

ACT Ombudsman

***A report on the
operation of
the Freedom of
Information Act 2016
for 2025–26***

2025–26 HIGHLIGHTS



Open Access information decisions

10,512



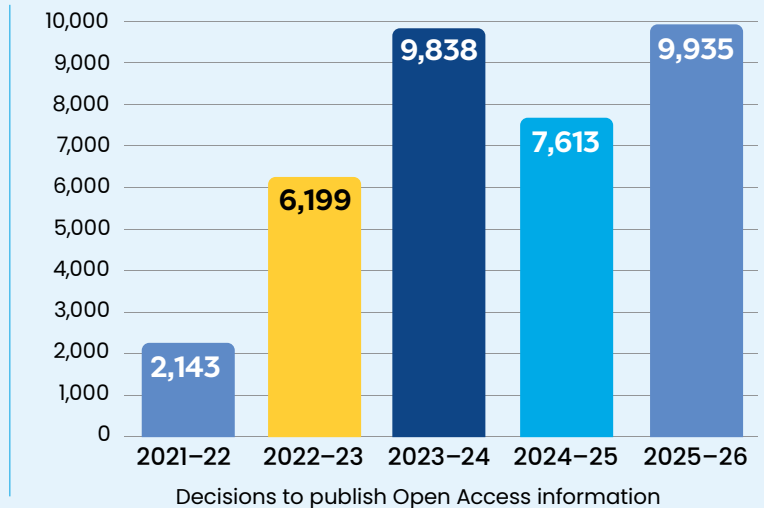
Decisions
to publish

9,935



Decisions not
to publish

577



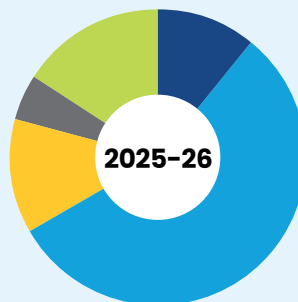
Access applications in the ACT

1,599
received

1,094
finalised

96%

Access decisions made within
statutory timeframes



- Access in full – 111
- Access in part – 564
- Refused all access – 127
- Suspended and not dealt with – 51
- Other – 159

Note: Other includes outcomes such as agencies assessing that the information was *not held*, *refusing to deal* with the application or *refusing to confirm or deny* that information was held. Not all agencies reported these other outcomes to the Office, so the actual figure may be higher.



Ombudsman reviews

71
received

48
finalised



Complaints

9
received

3
finalised

Acknowledgement of Country

The Office of the ACT Ombudsman acknowledges the Traditional Custodians of Country throughout the ACT. We recognise and respect their cultural heritage, beliefs and relationship with the land, waters and community. We pay our respects to Elders past and present for they hold the memories and traditions of the oldest living culture.

Contacting the ACT Ombudsman

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If you would like further information about the ACT Ombudsman, please go to:

Website ombudsman.act.gov.au

This 2025–26 report on the operation of the *Freedom of Information Act 2016* is available on the above website.

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If you are hearing or speech impaired, please telephone the National Relay Service on **1300 555 727**. Text to call (TTY) is available on **13 36 77** (or **1800 555 677** if calling a 1800 number).

If English is not your first language and you require a translating and interpreting service, please telephone Access Canberra on **13 22 81**.

Credits

Australian Capital Territory

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Produced by the ACT Ombudsman, Canberra.

Introduction from the ACT Ombudsman



I am pleased to present the 2025–26 annual report on the operation of the *Freedom of Information Act 2016* (ACT) (FOI Act), prepared under s 67 of the FOI Act.

Transparency and openness about how and why decisions are made by government are important for fostering community confidence and trust in government. The FOI scheme plays an important role in fostering transparent government and its accountability to the community.

For this reporting period, my Office received both mandatory and additional optional data from all ACT Government directorates to support the preparation of this report, allowing us to build on our understanding of the operation of the FOI Act. Some of the data in this report is presented differently to previous reports, due to the machinery of government changes to the structure of the ACT public sector, which commenced on 1 July 2025. This included the abolishment of old directorates, the establishment of new directorates and a shifting of functions between directorates.

Overall, we consider the FOI Act is largely achieving its objectives. My Office observed that the publication of Open Access information was generally lower across agencies this year compared to previous years, which may be connected to the challenges in recording this information in the context of the significant changes to the structure of the ACT public sector. I will be expecting this to increase next year and encourage directorates to ensure this is a focus. The proportion of access decisions resulting in some form of access to the information requested remained consistent with previous years and indicates a stable pro-disclosure culture, while the 96% of applications decided within statutory periods indicates decisions are being made in a timely way. No charges were imposed on access applicants, indicating the scheme is operating in a financially accessible way.

Agencies report ongoing challenges with adequate resourcing for FOI functions. This reporting period, the number of access applications received by agencies increased by 16% and the number of access applications 'on hand' at the end of the reporting period totalled 331, which is an increase of 24% compared to 2024–25 and an increase of 52% from 2023–24. While the proportion of access applications decided within statutory timeframes remained the same as last year, at 96%, ensuring decision-making can keep pace with the number of applications being made is important, so that growing backlogs do not impact timeliness in the future.

This reporting period, my Office completed 48 Ombudsman reviews, 23 of which resulted in formal decisions published on our website. The 169 Ombudsman review decisions published as of 30 June 2026 contribute to a growing body of guidance on the operation of the FOI Act and assist practitioners with future decision-making. The other 25 Ombudsman reviews were resolved informally with the assistance of my Office.

Throughout the 2025–26 period, we engaged with stakeholders in a variety of ways. We continued to communicate formally and informally with agencies, providing advice and clarification of FOI matters. Increasing stakeholder engagement through practitioner forums will be a focus for my Office in 2026–27.

In 2025–26, my Office also tested a new approach to collecting data from agencies about their FOI activities through an online survey to inform our Reports on the Operation of the FOI Act. Data has previously been collected using Excel spreadsheets, and digitisation presents an opportunity to streamline our processes and improve the efficiency and quality of data collection. I thank all agencies and look forward to further collaboration on this initiative.

Alongside Information Commissioners from other jurisdictions, my Office released the findings of the [*4th cross-jurisdictional study of community attitudes on access to government information*](#) in October 2025. The research provides a broad insight into the public's views and experiences of the right to access government-held information. Pleasingly, the ACT achieved positive results. ACT residents reported the highest levels of understanding about their right to government-held information and the highest confidence in government allowing access to information about how decisions are made. Additionally, the ACT Government was found to be the most likely to provide full

access to information, and those contacting ACT Government agencies for assistance were the most likely to rate them as very helpful.

As reflected in the FOI Act, the ACT is a jurisdiction that recognises the importance of public access to government information for the proper working of democracy and supports continuous improvement in how this is delivered.

Relevantly, this reporting period, the ACT Government tabled the report [*The journey to pro-disclosure: Statutory Review of the Freedom of Information Act 2016 \(ACT\)*](#), setting out the findings of an independent review of the FOI scheme. This review found that the FOI scheme is generally working well, but it also identified areas for improvement. This included recommendations for the allocation of increased resourcing for both FOI processing teams and my Office to enable more timely and accurate decision-making in the first instance and in full merits review. I welcome the implementation of any recommendations that would assist to streamline processes and improve the operation of the legislation.

Over the next 12 months, my Office will be focused on improving the timeliness of our reviews and stakeholder engagement to continue working closely with agencies to promote consistent and timely FOI Act decision-making, in accordance with the legislation's pro-disclosure objectives.

A handwritten signature in black ink, appearing to read 'Iain Anderson', with a stylized, flowing script.

Iain Anderson
ACT Ombudsman

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Part 1. Introduction

This report outlines the ACT Ombudsman's insights about the operation of the FOI Act in 2025–26. The public's right to access government information, underpinned by properly administered FOI legislation, contributes strongly to the effective working of representative democracy. The FOI Act in the ACT has a pro-disclosure bias and a focus on making government information accessible to the public.

Under the FOI Act, every person has a right to access government-held information where it is not contrary to the public interest for that information to be disclosed.¹

The FOI Act requires agencies and Ministers to publish government information proactively and be transparent about the information they do not publish. This includes information held by government directorates and agencies, Ministers, government-owned corporations (with some exceptions), public hospitals and health services, public authorities and public universities enacted under ACT laws.²

The FOI Act emphasises access to government information through informal requests, without the need for formal processes. Where a formal process is required, an access application can be made under the FOI Act to the relevant agency, and decisions are focused on public interest considerations.

The ACT Ombudsman oversees the FOI Act and promotes its objects by:

- monitoring the operation of the FOI Act, including the publication of Open Access information by agencies and Ministers, and agency compliance with the FOI Act
- publishing guidelines
- making Open Access information declarations
- considering requests for extensions of time to decide access applications
- conducting merits review (Ombudsman review) of FOI decisions, in response to review applications

¹ This is subject to some exceptions, such as information under the [Health Records \(Privacy and Access\) Act 1997](#) (see s 12 of the FOI Act).

² The [Freedom of Information Act 2016](#) (FOI Act) includes a comprehensive definition of agency (s 15).

- investigating complaints about an agency's or Minister's action in relation to their functions under the FOI Act.

Information on the ACT Ombudsman's own performance under the FOI Act, as an entity required to report under s 96 of the FOI Act, is included in the *ACT Ombudsman and Inspector of the ACT Integrity Commission Annual Report 2025–26*, which is available on our website.³

The Office notes that the structure of the ACT public sector changed on 1 July 2025, and this has affected the Office's approach to reporting on the operation of the FOI Act for the 2025–26 period.

The changes included the establishment of 4 new directorates: Digital Canberra, Infrastructure Canberra, the City and Environment Directorate and the Health and Community Services Directorate. It also included the abolition of 4 directorates: Transport Canberra and City Services, the Environment, Planning and Sustainable Development Directorate, the Community Services Directorate and the Health Directorate.

Additionally, the changes included shifts in responsibilities across directorates. For example, while Access Canberra formed part of the Chief Minister, Treasury and Economic Development Directorate prior to 1 July 2025, it now forms part of the City and Environment Directorate.

As a result of these changes, the data collected for this report is not directly comparable at a directorate level to data collected in prior years, and fluctuations in directorate-level data are most likely attributable to the public sector restructure rather than how the FOI Act is working. For this reason, unlike for prior reports, the Office's analysis has focused less on directorate-level trends across time and more on trends at a whole-of-government level across time and comparison between directorates in the 2025–26 period only.

³ See [Corporate reports | ACT Ombudsman](#).

Part 2. Open Access

information decisions

The intention of the FOI Act is to make government-held information accessible. Formal access applications for information should be a last resort, with information being published proactively wherever possible.⁴ ACT Government agencies must publish certain information routinely, without the need for a formal application to be made by a member of the public. This includes policy documents, reports, budget papers and agency disclosure logs.⁵

The ACT Government maintains an Open Access portal⁶ to provide the public with a central, searchable interface to access government information. Agencies can publish information on their own website and add a link to this information on the portal.

We have published Open Access Guidelines to help ACT agencies to understand and meet their Open Access obligations. These guidelines are notifiable instruments available on the ACT Legislation Register⁷ and on the ACT Ombudsman's website.⁸

The ACT Ombudsman's own Open Access Strategy is available online⁹ and sets out:

- what information will be made publicly available
- how it will be made available
- how published information will be reviewed to ensure it remains accurate, up to date and complete
- that we will publish our reasons for decisions when information may not be made publicly available because it is contrary to public interest.

⁴ See page 3 of the [Explanatory Statement to the Freedom of Information Bill 2016](#).

⁵ See s 23 of the FOI Act for the list of categories of Open Access information.

⁶ See [ACT Government Open Access Information](#).

⁷ See [Open Access Information Guidelines](#).

⁸ See [ACT Ombudsman Publications](#).

⁹ See [ACT Ombudsman Open Access Strategy](#).

The strategy supports the ACT Ombudsman's staff to comply with Open Access requirements and may be used to assist directorates and agencies to develop their own strategies. In 2025–26, we published **51** documents under Open Access.

In 2024–25, we asked agencies to complete an Open Access Information Scheme (OAIS) self-assessment checklist, available in the [Freedom of Information \(Volume 1 – Open Access Information\) Guidelines 2020](#).

Our review of the results indicates that most agencies are meeting their basic OAIS obligations under the FOI Act and take a pro-disclosure approach. We are pleased to find agencies reported high compliance with the following requirements:

- the publication of functional information
- the publication of policy documents
- disclosure log information
- website information about how to request information without a formal access application.

The results also identified some areas for improvement, including:

- ensuring the OAIS strategy is reviewed annually
- conducting a public interest assessment where access is withheld
- publishing reasons for withholding access.

We will continue to monitor the operation of the OAIS and progress the Open Access monitoring strategy.

Decisions to publish

During the reporting period, agencies and Ministers continued to publish Open Access information on their respective websites and on the Open Access portal.

As shown in [Figure 1](#), at least **9,935 decisions** to publish Open Access information were made. This is an increase on the reported 7,613 decisions to publish in 2024–25 and consistent with the 9,838 decisions to publish reported in 2023–24.

The above figures reflect agency decisions to publish information:

- on the agency disclosure log
- registered on the Open Access website, or
- on the agency website.

We say ‘at least’ 9,935 decisions to publish information were made because we recognise this may not capture all of the information published by agencies. Agencies are not expected to keep formal records or make public interest assessments on the multitude of documents they publish on a daily or weekly basis. To require this would impose an unnecessary administrative burden and could potentially undermine the objectives of the FOI Act by discouraging agencies from publishing government information.

The data for 2025–26 reflected a very significant number of decisions to publish Open Access information by the Office of the Legislative Assembly (OLA), which accounted for 82% of decisions, rather than high levels of decisions to publish across government agencies generally.

The Office observes that the public sector restructure, which involved the establishment of new agencies and changes to the responsibilities of existing agencies, may have influenced this result. On the one hand, extensive Open Access publications may have been expected as agencies communicated their new structures, responsibilities and policies to the community. On the other hand, it may be that decisions have been under-reported due to the administrative burden of recording these activities in the context of the significant changes taking place.

The Office encourages agencies to ensure publishing Open Access information is a focus in the 2026–27 period.

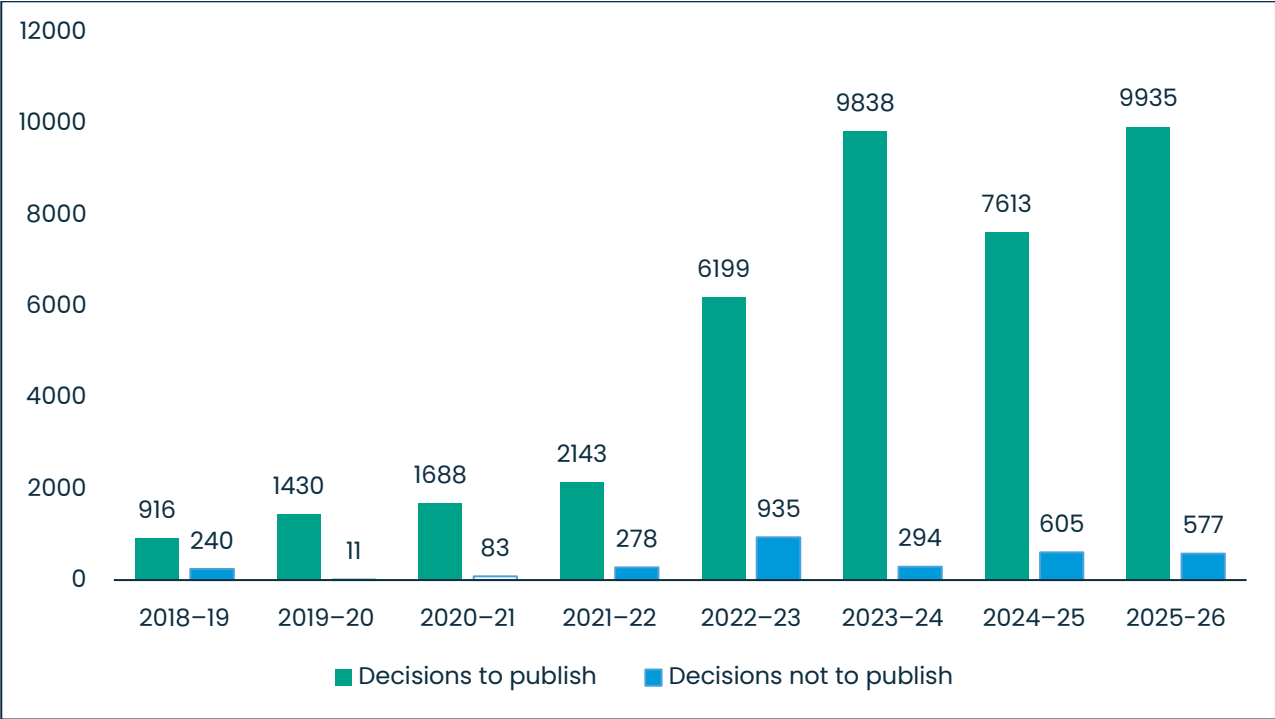
Decisions not to publish

Generally, if Open Access information is not made available because it would be contrary to the public interest to do so, the FOI Act requires the agency instead to publish a description of the information and the reason for this non-disclosure, except in limited circumstances.

As shown in [Figure 1](#), in 2025–26, ACT Government agencies made **577** decisions **not** to publish Open Access information, compared to 605 decisions in 2024–25. This

accounted for **6%** of total Open Access decisions in 2025–26. This is consistent with 7% in 2024–25, but up from 3% in 2023–24 and down from 13% in 2022–23.

Figure 1: Open Access decisions by financial year



In the 2025–26 period, **3** decisions were made **not to** publish a description of Open Access information, which is a decline from the 5 decisions made in 2024–25 and 7 decisions made in 2023–24.

Decisions by agencies and Ministers

The number of Open Access decisions made by each of the agencies and Ministers, as reported to the ACT Ombudsman, are outlined in [Table 1](#), [Table 2](#) and [Table 3](#).¹⁰

The OLA made the highest number of decisions to publish Open Access information, with **8,156** decisions, followed by the Chief Minister, Treasury and Economic

¹⁰ This dataset includes information provided by each directorate, not including smaller agencies within their portfolio. Separate data for each agency will be available in their respective annual reports. Agencies that reported nil for all categories have not been included in this table.

Development Directorate (CMTEDD), with 812 decisions, and the Health and Community Services Directorate (HCSD), with 164 decisions.

In 2025–26, a total of **43** decisions were made to publish Ministerial information,¹¹ including 24 Ministerial diaries and 19 Ministerial travel reports. This is similar to the 41 decisions made in 2024–25 and less than the 55 decisions made in 2023–24.

As shown in [Table 1](#), the OLA was responsible for 82% of all decisions made to publish Open Access information in 2025–26. The second highest agency, the CMTEDD, accounted for 8% of decisions. The decisions of 16 agencies combined made up the remaining 10% of Open Access information published. Eight agencies reported making no decisions to publish Open Access information in 2025–26. We will continue to monitor agencies who have not published Open Access information to ensure they are appropriately reviewing their OAIS annually, conducting public interest assessments where access is withheld and publishing reasons for withholding access.

The OLA also made the highest number of decisions to publish Open Access information in 2023–24 and 2024–25, but the gap between it and the next highest agency was much narrower in those periods compared to this period. This is in part due to a significant increase in decisions by the OLA this year (more than double last year's figure), but a decrease in decisions by other agencies has also contributed. For example, this year, the OLA was the only agency to report over 1,000 decisions, while in 2024–25 it was one of 3 agencies to do so, and in 2023–24 it was one of 4 agencies to do so.

¹¹ See [Ministers' open access information](#).

Table 1: Open Access decisions by agencies that reported data—decisions to publish

Directorates and agencies	Decisions to publish Open Access information	% of total decisions
Office of the Legislative Assembly	8,156	82%
Chief Minister, Treasury and Economic Development Directorate	812	8%
Health and Community Services Directorate	164	2%
Canberra Health Services	161	2%
Infrastructure Canberra	115	1%
Justice and Community Services Directorate	81	1%
Education	53	1%
ACT Ombudsman	51	<1%
Canberra Institute of Technology	46	<1%
ACT Ministers	43	<1%
ACT Audit Office	38	<1%
Digital Canberra	18	<1%
Human Rights Commission	13	<1%
Suburban Land Agency	8	<1%
Inspector of Custodial Services	6	<1%
Cultural Facilities Corporation	5	<1%
Elections ACT	3	<1%
Total	9,935	100%

In the 2025–26 period, 19 agencies reported that no decisions not to publish Open Access information were made.

As shown in [Table 2](#), CMTEDD was responsible for 84% of all decisions not to publish Open Access information in 2025–26. The second highest agency, the OLA, accounted for 9% of decisions. The decisions of 4 agencies combined made up the remaining 7% of decisions not to publish Open Access information.

This result is consistent with both the 2023–24 and 2024–25 reporting periods, in which decisions not to publish Open Access information were concentrated to a single agency, CMTEDD.

Table 2: Open Access decisions by agencies that reported data—decisions not to publish

Directorates and agencies	Decisions not to publish Open Access information	% of total decisions
Chief Minister, Treasury and Economic Development Directorate	482	84%
Office of the Legislative Assembly	52	9%
Canberra Health Services	19	3%
Justice and Community Safety Directorate*	13	2%
ACT Integrity Commission	4	1%
Canberra Institute of Technology	4	1%
Total	577	100%

**Note: Justice and Community Safety Directorate reported that these were decisions to not publish Open Access information in part only.*

As shown in [Table 3](#), Legal Aid ACT reported making **3** decisions not to publish a description of Open Access information, and it was the only agency to do so in the 2025–26 reporting period.

Table 3: Open Access decisions by agencies that reported data—decisions not to publish description

Directorates and agencies	Decisions not to publish a description of Open Access information	% of total decisions
Legal Aid ACT	3	100%
Total	3	100%

Part 3. Informal requests for information

Information can be requested informally from an agency or Minister, and a decision may be made to release it directly, without the need for a formal access application.

Agencies are not required to report on the number of informal requests received, or related outcomes, as to do so would impose an unnecessary administrative burden. Agencies may, however, choose to report optional data on the number of access applications that were withdrawn and resolved outside the FOI process.

The figures for 2025–26 show a continuing decrease in the number of access applications resolved informally, with **72 access applications reported as resolved outside the formal FOI process**, compared to the 89 access applications reported as resolved outside the formal FOI process in 2024–25 and 100 in 2023–24.

In 2025–26, the Health and Community Services Directorate (HCSD) and City and Environment Directorate (CED) reported the highest number of access applications resolved outside the formal FOI process – both resolving 22 access applications outside the FOI process with the applicant withdrawing their formal application.

While we cannot ascertain if all of the matters resolved informally were finalised after information was provided informally, it is positive to continue to see applications are being resolved outside the formal FOI process, as intended by the FOI Act.

We note the importance of informing the public what information can be sought outside formal FOI processes, particularly where the information may be contrary to the public interest information under the FOI Act.

For example, the ACT Government webpage [Access ACT Government information](#) lists a range of types of personal information that can be requested without making an FOI application, including education, housing and child protection information, and what part of government to contact for assistance.

The webpage also includes phone and email contact information.

The ACT Ombudsman encourages agencies to release information informally where possible, rather than require applicants to seek information through the FOI process. We will continue to monitor what is being reported by agencies to identify trends or issues.

Part 4. Access applications

An access application is the formal way to request information under the FOI Act. Access applications can be made to an agency or Minister, and decisions on access applications may be reviewed by the Ombudsman. An information officer will assess the application and may decide to give full or partial access to government information sought under the FOI Act or refuse access.

An agency or Minister can refuse access to information in circumstances where it is assessed as contrary to the public interest to release. They can also refuse to deal with an access application, or refuse to confirm or deny that information is held, in limited circumstances.¹²

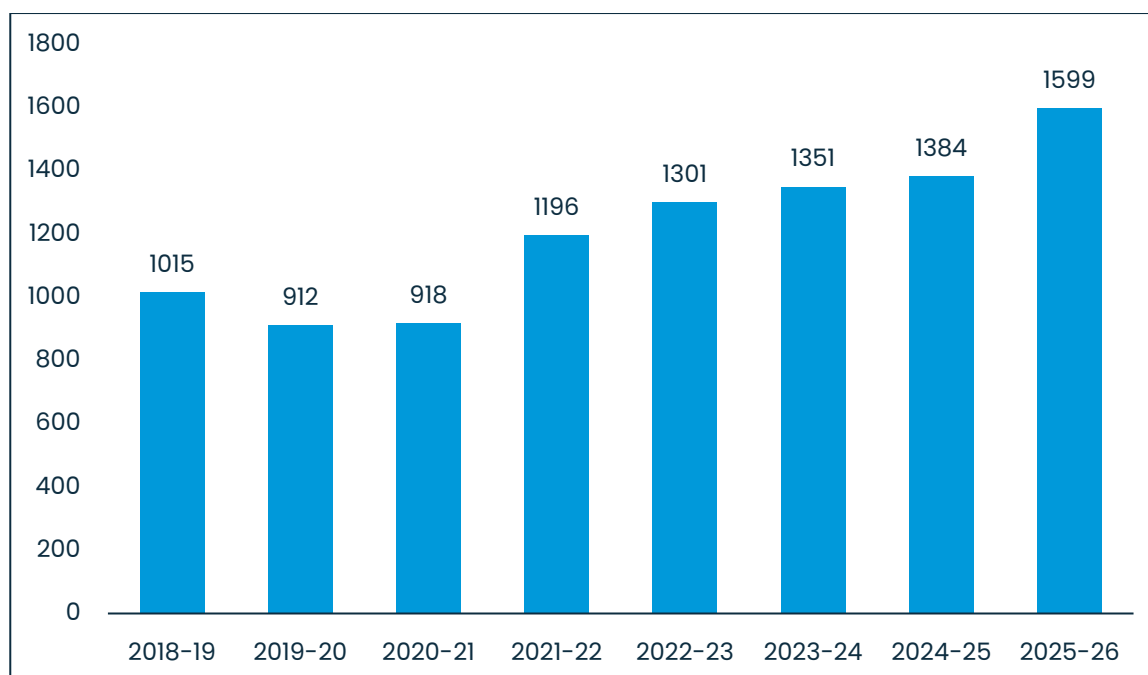
Applications made

In 2025–26, **1,599 access applications** were made to ACT Government agencies and Ministers.

As shown in Figure 1, this is a **16% increase** from the 1,384 access applications received in 2024–25. [Figure 2](#) also shows a steady increase in the total access applications received since 2018–19 (the first full year of the operation of the FOI Act).

¹² These being that the information is contrary to the public interest information and doing so would reasonably be expected to: endanger the life or physical safety of a person, be an unreasonable limitation on a person's rights under the *Human Rights Act 2004* (ACT) or significantly prejudice an ongoing criminal investigation. See s 35 of the FOI Act.

Figure 1: Access applications received by agencies and Ministers



Consistent with previous reporting periods, the vast majority of access applications, 93% (1,494), were made to directorates. The remaining 7% (105) were made to 13 smaller agencies.

Figure 2 reflects the number of access applications received by the 8 directorates in 2025–26. Most applications were received by directorates that either existed prior to 1 July 2025 or were formed through the amalgamation of directorates that existed prior to 1 July 2025.

The highest numbers of applications were received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) (370) and the City and Environment Directorate (CED) (360), and together they accounted for 46% of all applications received in 2025–26.

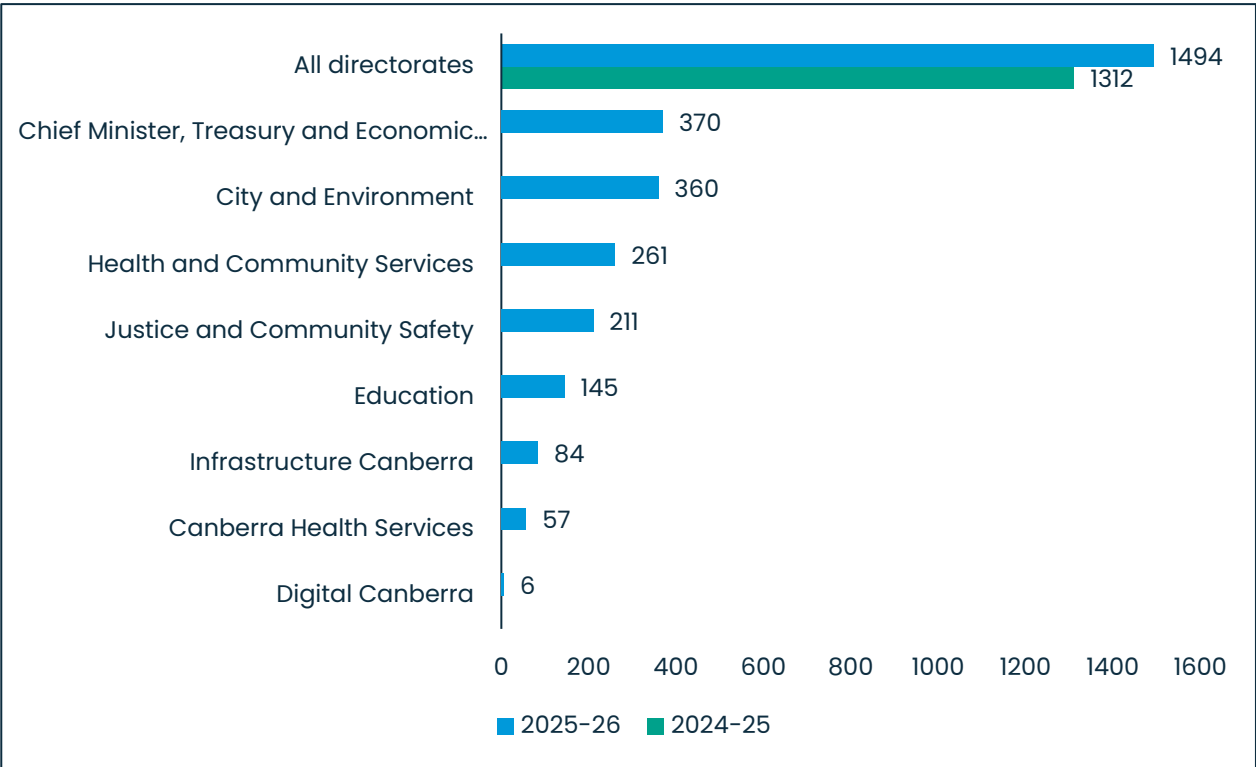
The next directorates to receive the highest numbers of applications were the Health and Community Services Directorate (HCSD), with 261 (16%), the Justice and Community Safety Directorate (JACS), with 211 (13%), and the Education Directorate, with 145 (9%).

The Directorates to receive the lowest numbers of applications were Infrastructure Canberra (84 or 5%), Canberra Health Services (57 or 4%) and Digital Canberra (6 or <1%). The Office observes that these lower numbers compared to other directorates

may be connected to Infrastructure Canberra and Digital Canberra being new directorates and Canberra Health Services being likely to deal with more requests for information under the *Health Records (Privacy and Access) Act 1997*.

The number of access applications received by the 8 directorates does not include access applications received by smaller agencies and access applications received by Ministers.

Figure 2: Access applications received by each directorate¹³



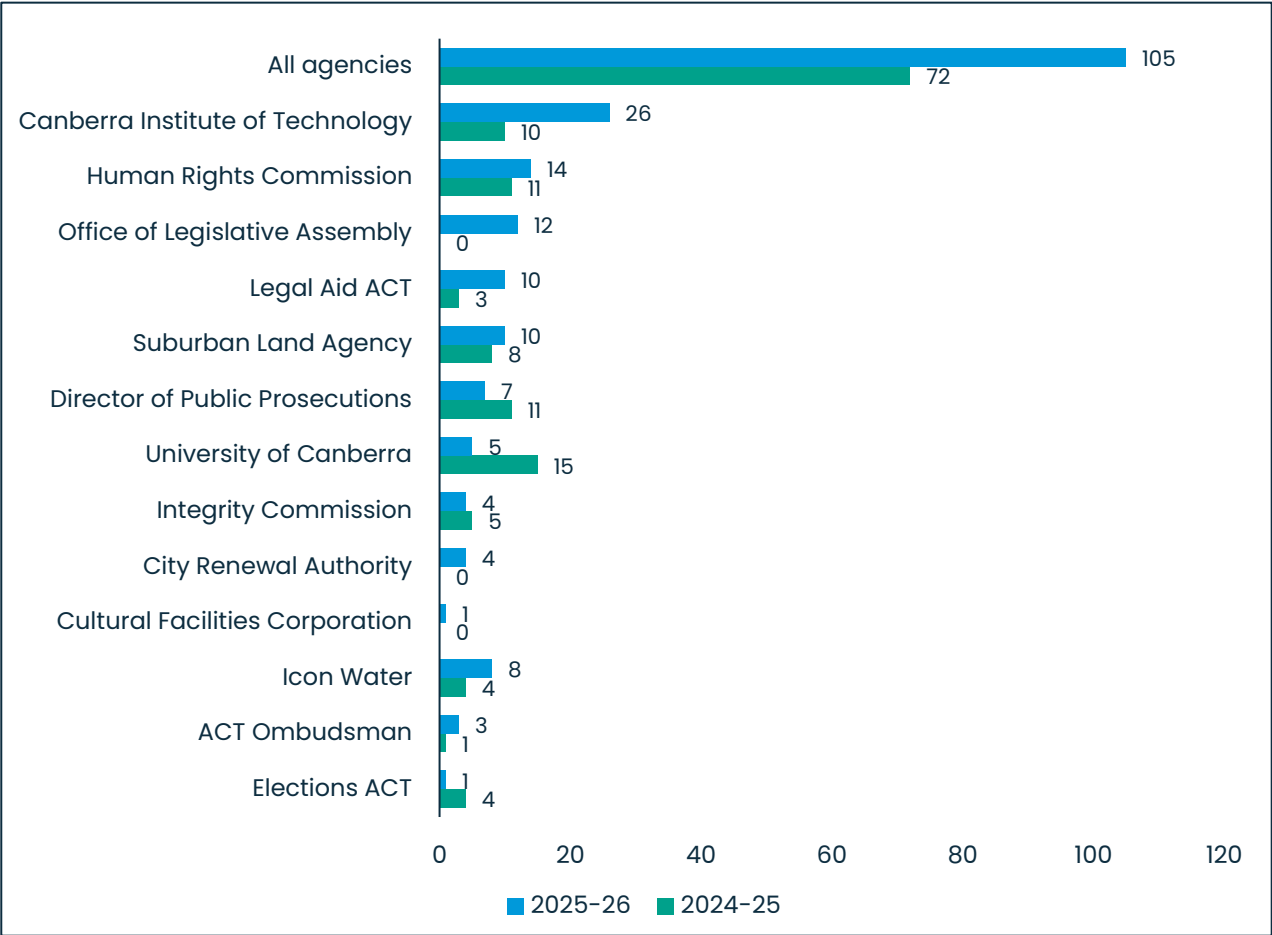
[Figure 4](#) shows access applications broken down by the 13 smaller agencies that received them in 2025–26 compared to 2024–25.

The number of access applications received by smaller agencies increased this reporting period compared to last year. Notably, access applications received by the Canberra Institute of Technology increased to 26 in 2025–26 (from 10 in 2024–25), and the Office of the Legislative Assembly received 12 applications (up from zero in

¹³ Due to machinery-of-government changes that commenced on 1 July 2025, discussed in the introduction to this report, the Office has not compared data for each directorate this reporting period to the last reporting period.

2024-25). Applications to the University of Canberra decreased to 5 in 2025-26 (from 15 in 2024-25).

Figure 4: Access applications received by each agency



Given the number of access applications received each year is continuing to increase, as outlined in [Figure 2](#), proactive approaches to strategically manage cases and overall workloads become more important.

The Office, through its oversight activities, has visibility of a small selection of access applications.¹⁴ Examples of the types of caseload challenges we have seen include applications for large volumes of information, applications dealing with extensive

¹⁴ For context, while 1,599 access applications were made in 2025-26, during this period the Office received 71 Ombudsman review applications, 24 requests for an extension of time to decide access applications and 9 complaints about the administration of FOI functions.

sensitive information, applications requiring broad consultation with third parties, and individuals making multiple access applications.

Examples of strategies that may assist to manage these challenges include:

- attempting to narrow the scope of applications under s 34(3) of the FOI Act so that less information is covered, less complex information is covered, or less third party consultation is required
- clarifying the scope of applications under s 34(3) of the FOI Act and ensuring good communication to reduce misunderstandings that may lead to repeat applications
- utilising mechanisms to refuse to deal with applications under s 43 of the FOI Act, for example where the application would require an unreasonable and substantial diversion of resources to process within the meaning of s 44 of the FOI Act
- communicating clearly, consistently and informatively to help access applicants understand the circumstances and the reasons for the agency's decision, and accept the outcome.

The Office encourages directorates and agencies to reflect on the types of challenges arising in their caseloads and how the tools in the FOI Act and general principles of good public administration can assist.

Application outcomes

During the reporting period, agencies and Ministers made **1,094 decisions** on access applications. This is a **17% decrease** from the previous financial year, when 1,321 such decisions were made. We note this figure does not include outcomes such as refusing to deal with an application but, given the number of applications is increasing (up 16% from 2024–25), it is important agencies are mindful of the risk of backlogs developing and work effectively to manage their access applications.

As outlined at [Figure 5](#), of the 1,094 decisions on access applications reported by agencies and Ministers:

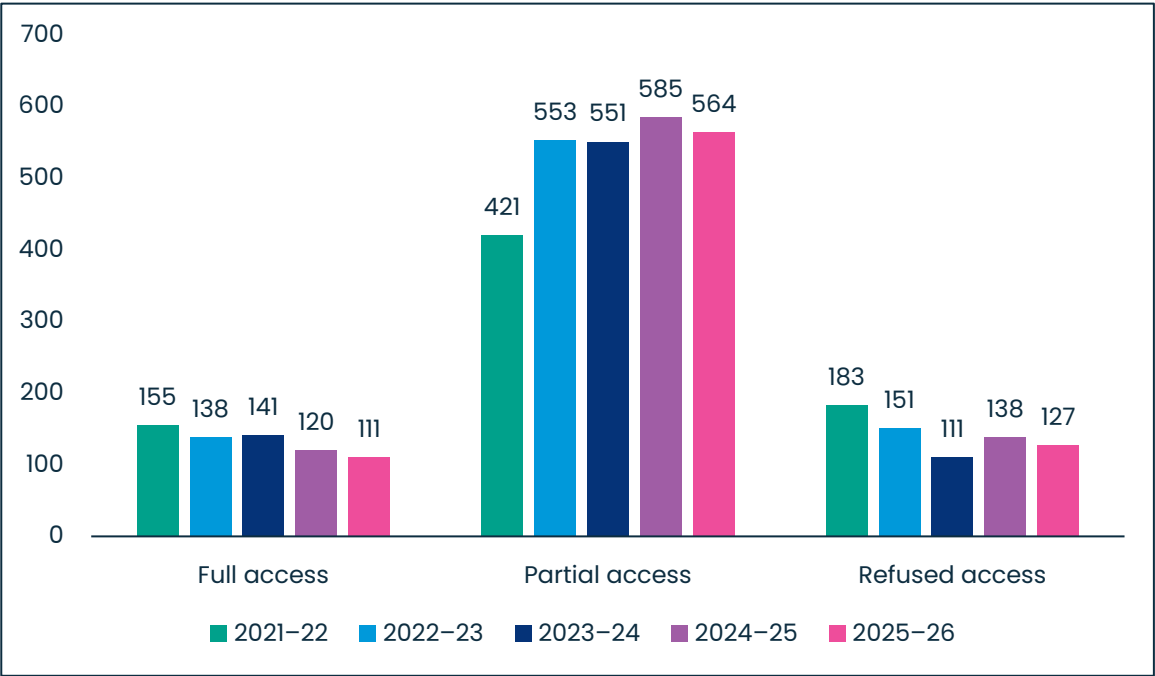
- *Full access* was granted in **111 decisions (10%)**—with the agency disclosing all information identified within the scope of the access application.

- *Partial access* was granted in **564 decisions (52%)**—with some information redacted prior to the release because it was assessed as contrary to the public interest information.
- *Access was refused* in **127 decisions (12%)**—with the agency deciding the information was contrary to the public interest information.

Figure 5 does not include the **159 decisions** that were decided in different ways, such as agencies assessing that the information *was not held*, *refusing to deal* with the application or *refusing to confirm or deny that information was held*. Providing detailed data to the ACT Ombudsman on these categories of decisions is optional.

Figure 5 also excludes the **211 access applications** agencies reported as **withdrawn** by the applicant before a decision was made by the agency (an increase from the 199 reported in 2024–25), and the **196 access applications** reported as **transferred** from one agency to another (an increase from 134 in 2023–24 and 135 in 2024–25). The rise in the number of applications transferred to another agency may be connected to the public sector restructure and shifting of functions amongst directorates.

Figure 5: Outcomes of decided access applications



These figures show the proportion of decisions to grant full access remained steady at **10%** (11% in 2024–25). The proportion of decisions to partially release information

remained the same, at **52%** (52% in 2024–25). The proportion of decisions to refuse access also remained the same, at **12%** (12% in 2024–25).

When full access and partial access decisions are combined, access in some form was granted in **675 decisions (62%)**. This result is consistent with 2024–25. The proportion of decisions resulting in some form of access has remained consistent over the last 5 years, indicating a stable pro-disclosure culture.

One of the reasons given by agencies for the large proportion of partial release decisions is that many decisions require agencies to redact small amounts of personal information (such as personal telephone numbers or other direct contact information). This resulted in what would otherwise be full access decisions becoming partial access decisions.

Our analysis of FOI data from other jurisdictions for 2024–25, being the most recent data publicly available, indicates applicants in Australia are more likely to be granted partial access than full access.¹⁵ This is consistent with what we are seeing for the ACT.

We suggest the high proportion of partial access decisions in 2025–26 indicates an opportunity for agencies to improve their initial scoping activities with applicants, for example, to seek the applicant’s agreement to exclude irrelevant information, such as inconsequential personal information. We acknowledge, however, that such scoping may increase the administrative burden on agencies.

Reasons for refusal

In this reporting period, 8 directorates and 6 smaller agencies provided optional data about the reasons for refusing access to information in full or in part.

Agencies may rely on either, or both, Schedule 1 categories and Schedule 2 factors in deciding access applications. For example, an agency may rely on Schedule 1 for part of the information at issue and Schedule 2 for another part of the information at issue.

¹⁵ See, for example, discussion by the NSW IPC in its *Report on the Operation of the Government Information (Public Access) Act 2009* (NSW) | 2024–2025 at [GIPA Compliance Reports](#).

An agency can withhold information where disclosure would be contrary to public interest, as set out in Schedule 1 of the Act. In 2025–26, agencies reported **283 instances of refusing access relying on Schedule 1**.

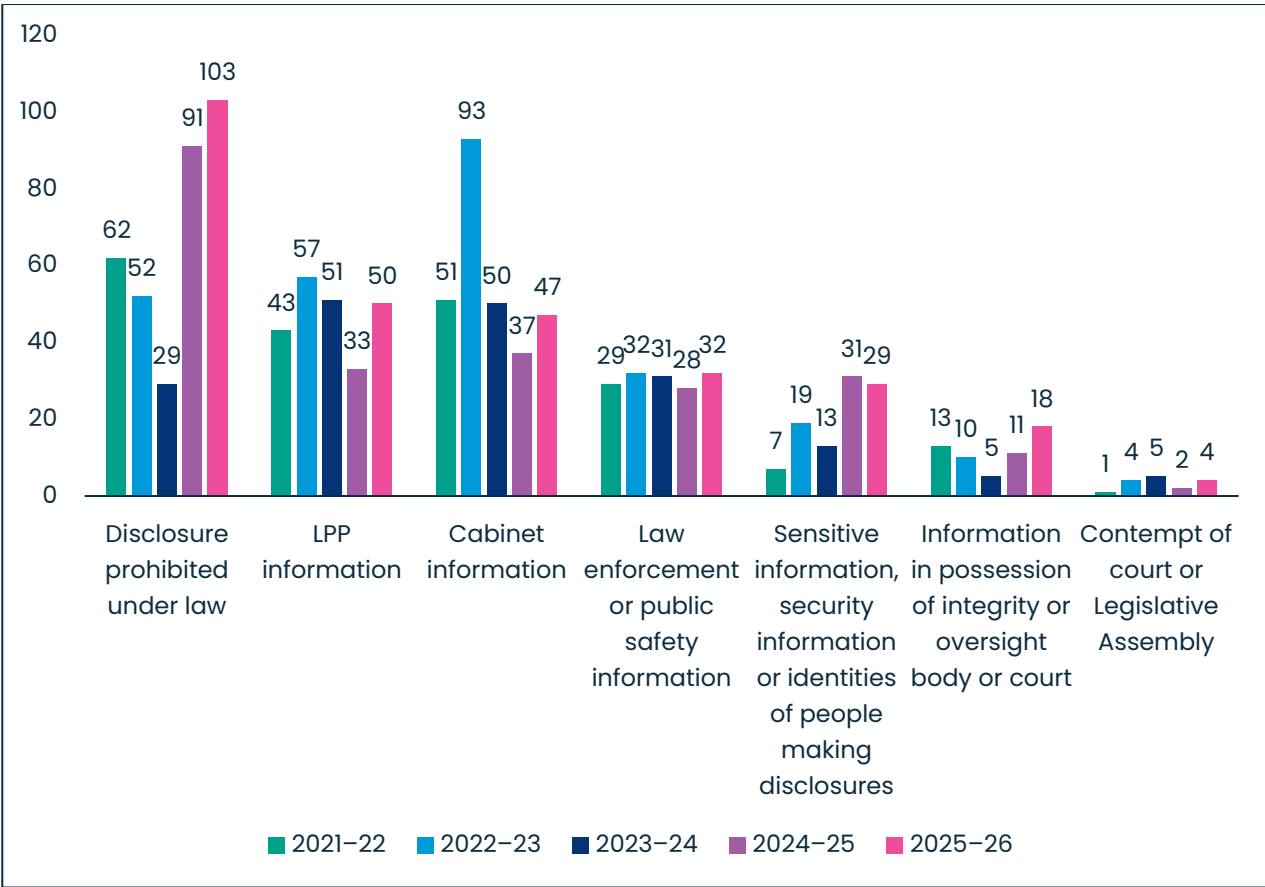
As outlined in [Figure 6](#), the top 3 grounds relied on by agencies to withhold information under Schedule 1 of the FOI Act were:

- information disclosure of which is prohibited under law (Schedule 1, section 1.3) (**103 decisions (36%)**)
- information subject to legal professional privilege (Schedule 1, section 1.2) (**50 decisions (21%)**), and
- Cabinet information (Schedule 1, section 1.6) (**47 decisions (20%)**).

These are the same top 3 grounds relied on by agencies in 2024–25, except legal professional privilege and cabinet information swapped positions as the second and third most relied on grounds.

For comparison, [Figure 6](#) also includes data obtained in previous years. Grounds not relied upon at all during these reporting periods have not been included. Several grounds that separately were statistically negligible have been grouped together (for example, *information in possession of integrity or oversight body or court* includes information in the possession of the Ombudsman, the ACT Human Rights Commission (HRC) and the ACT Integrity Commission (ACTIC)).

Figure 6: Reasons for refusal under Schedule 1 of the FOI Act¹⁶



Last reporting period, we observed a significant increase in refusing information because disclosure is prohibited under law (Schedule 1, section 1.3), and this continued to be the most common reason for refusal under Schedule 1 in 2025–26. While more instances of its use were reported, this ground made up 3% less of all Schedule 1 refusals compared to 2024–25.

Following a decrease in 2024–25, in this reporting period, reliance on the grounds of legal professional privilege and cabinet information for refusal under Schedule 1 increased to levels consistent with 2023–24.

If information is not to be withheld under Schedule 1, an agency needs to balance factors in deciding whether to release the information is in the public interest. Schedule 2 sets out the factors favouring disclosure and non-disclosure. In 2025–26, agencies

¹⁶ This optional data was not provided by the Community Services Directorate in 2023–24 or Major Projects Canberra in 2024–25.

reported **908 instances of relying on Schedule 2 to refuse access**. The top 3 factors favouring non-disclosure relied on by agencies to withhold information under Schedule 2 of the FOI Act were ([Figure 7](#)):

- prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004* (ACT) (Schedule 2, section 2.2(a)(ii)) (**510 decisions (56%)**)
- prejudice trade secrets, business affairs or research of an agency or person (Schedule 2, section 2.2(a)(xi)) (**136 decisions (15%)**)
- prejudice an agency's ability to obtain confidential information (Schedule 2, section 2.2(a)(xii)) (**54 decisions (6%)**).

The top 2 factors relied on by agencies were the same as in 2024–25.

The third most relied on factor changed, from prejudice to the management functions of an agency in 2024–25 to prejudice to an agency's ability to obtain confidential information in 2025–26.

Over the past 5 years, agencies' reliance on the factor of prejudice to an agency's ability to obtain confidential information has been fairly steady. It has consistently been the third most relied on factor, except in 2024–25, when it fell to fifth position, due to significant increases in reliance on the factors of prejudice to the management functions of an agency and prejudice to deliberative processes of government.

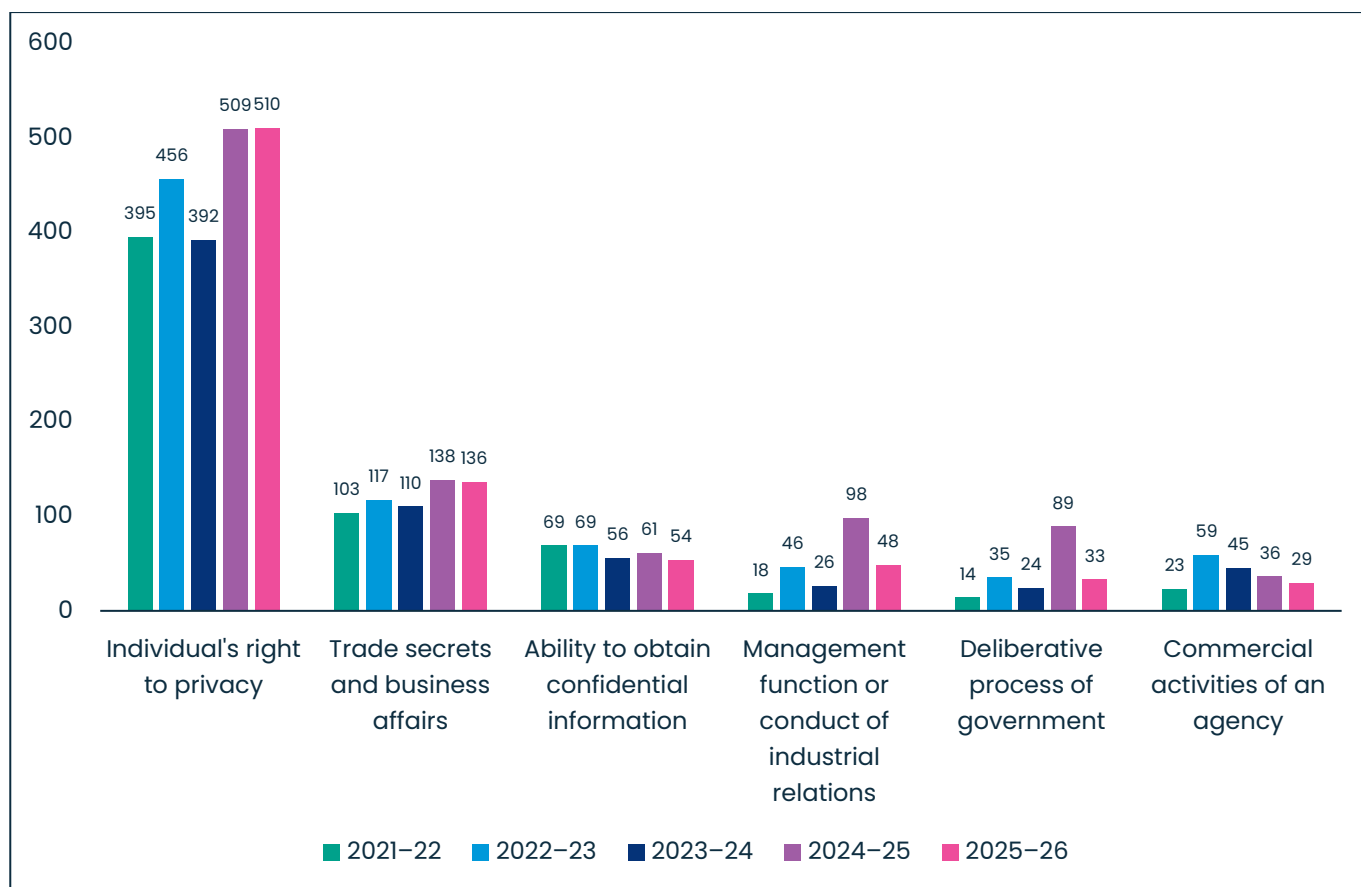
The increased reliance on the factors of prejudice to the management functions of an agency and prejudice to deliberative processes of government in 2024–25 was not sustained in 2025–26. Reliance on these 2 factors remains elevated, compared to 2023–24,¹⁷ but is consistent with 2022–23.

[Figure 7](#) shows the top 6 most relied on factors for 2025–26 compared to their use in the prior 4 years.

We will continue to monitor this data in future years to identify trends and compare grounds and factors arising in decisions subject to Ombudsman review.

¹⁷ Note: optional data was not provided by the Community Services Directorate in 2023–24.

Figure 7: Top 6 reasons for refusal under Schedule 2 of the FOI Act compared to previous years¹⁸



Processing times

Under the FOI Act, an access application must be decided within **30 working days**, unless this period is extended by one or more of the circumstances listed in s 42(2) of the FOI Act,¹⁹ an applicant agrees to an extension of time, or an extension is granted by the Ombudsman.

¹⁸ This optional data was not provided by the Community Services Directorate in 2023-24 or Major Projects Canberra in 2024-25.

¹⁹ The period of time to decide may be extended if the agency consults with a relevant third party; by the time taken for an applicant to respond if the agency makes a clarification request to the applicant; by the time given to the applicant to consult with the agency if the agency gives notice to the applicant that they intend to refuse to deal with the access application; by the time taken for the agency to make a decision if the applicant applies for a fee waiver; and by the number of Christmas shutdown days during the period of time to decide.

Agencies can seek an applicant's agreement to an extension of time for **up to 24 months** from the date of the application. If an applicant refuses an extension request, the agency can also seek an extension from the Ombudsman. An extension of time beyond 24 months must be sought from the Ombudsman.

For access applications received **prior to 24 May 2023**, an access application was required to be decided within **20 working days**, unless an applicant agreed to an extension of time, an extension was granted by the Ombudsman, or a third party was required to be consulted. Where a third party was consulted, agencies had an additional 15 working days to decide the access application.

For these applications, agencies were able to seek an applicant's agreement to an extension of time for **up to 12 months** from the date of the application. If an applicant refused an extension request, the agency was also able to seek an extension from the Ombudsman. An extension beyond 12 months must have been sought from the Ombudsman.

[Figure 8](#) below shows the average processing times, in working days, by each directorate in 2025–26. The Health and Community Services Directorate (HCSD) reported the longest processing time of 97 working days, and the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) reported the shortest processing time of 17 working days.

Figure 8: Average processing time in working days by each directorate²⁰

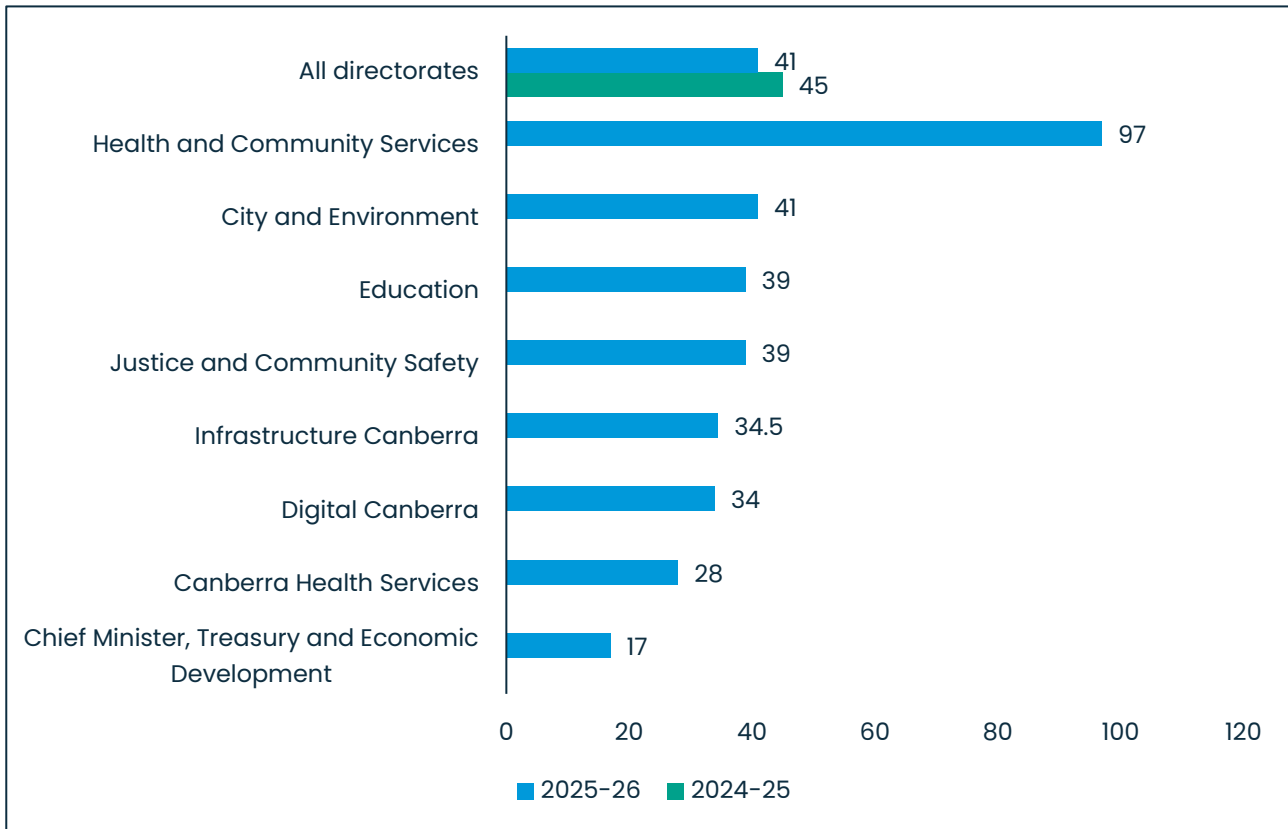


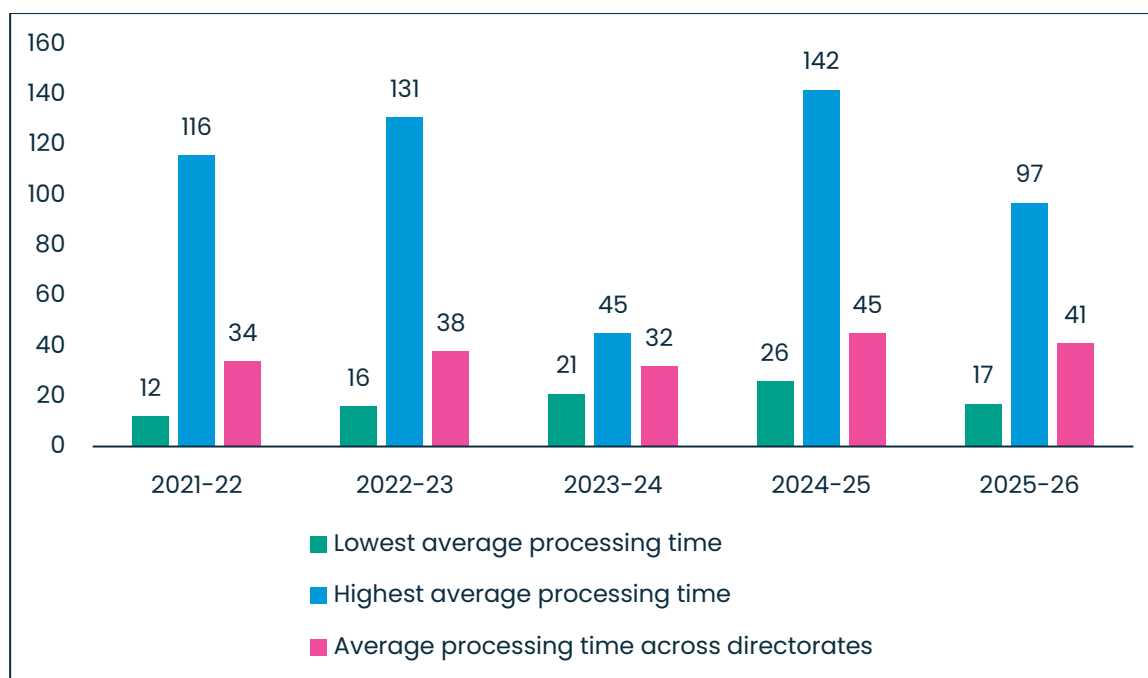
Figure 9 shows a comparison of average processing times for directorates over the past 5 years.

The **average processing time of 41 working days for access applications** across all directorates in 2025–26 is consistent with the 45 working days reported in 2024–25.

The highest average processing time reported by a directorate decreased from 142 working days in 2024–25 to 97 working days in 2025–26. This change may be connected to the amalgamation of the Community Services Directorate (CSD), which historically has reported the highest average processing times, and the Health Directorate into the Health and Community Services Directorate.

²⁰ Due to machinery-of-government changes that commenced on 1 July 2025, discussed in the introduction to this report, the Office has not compared data for each directorate this reporting period to the last reporting period. Optional data was not provided by CSD in 2023–24.

Figure 9: Average processing times for directorates over last 5 years²¹



Access applications processed within time

During the reporting period, **96% of decisions on access applications were decided within the statutory timeframes**—that is, within the standard timeframe or within an extension granted by the applicant or the Ombudsman. It is mandatory for agencies to report on meeting the statutory timelines. However, it is optional for agencies to report their average processing time.

This outcome is the same as in 2024–25 and maintains a decrease from 2023–24, where 99% of decisions on access applications were decided within the statutory timeframes. However, the ACT has consistently met or exceeded the percentage of access applications decided within statutory timeframes when compared with other Australian jurisdictions.²²

²¹ Optional data was not provided by CSD in 2023–24.

²² See the [Dashboard and metrics on the public's use of FOI laws](#) published by the NSW Information and Privacy Commission.

Agencies' ability to meet statutory timeframes is impacted by the number of access applications received, other projects, resourcing pressures and the complexity of matters.

Access applications decided without any extension of time accounted for **72%** of decisions. A further **24%** of applications were processed where the applicant approved an extension request. Applications processed with an Ombudsman extension of time accounted for **1%** of decisions. The remaining **3%** of access applications became deemed refusal decisions and are discussed below.

There were **331 access applications 'on hand'** at the end of the reporting period (up from 267 in 2024–25 and 218 in 2023–24). The ACT Ombudsman does not have visibility over the length of time these applications have been open.

Extensions of time by the Ombudsman

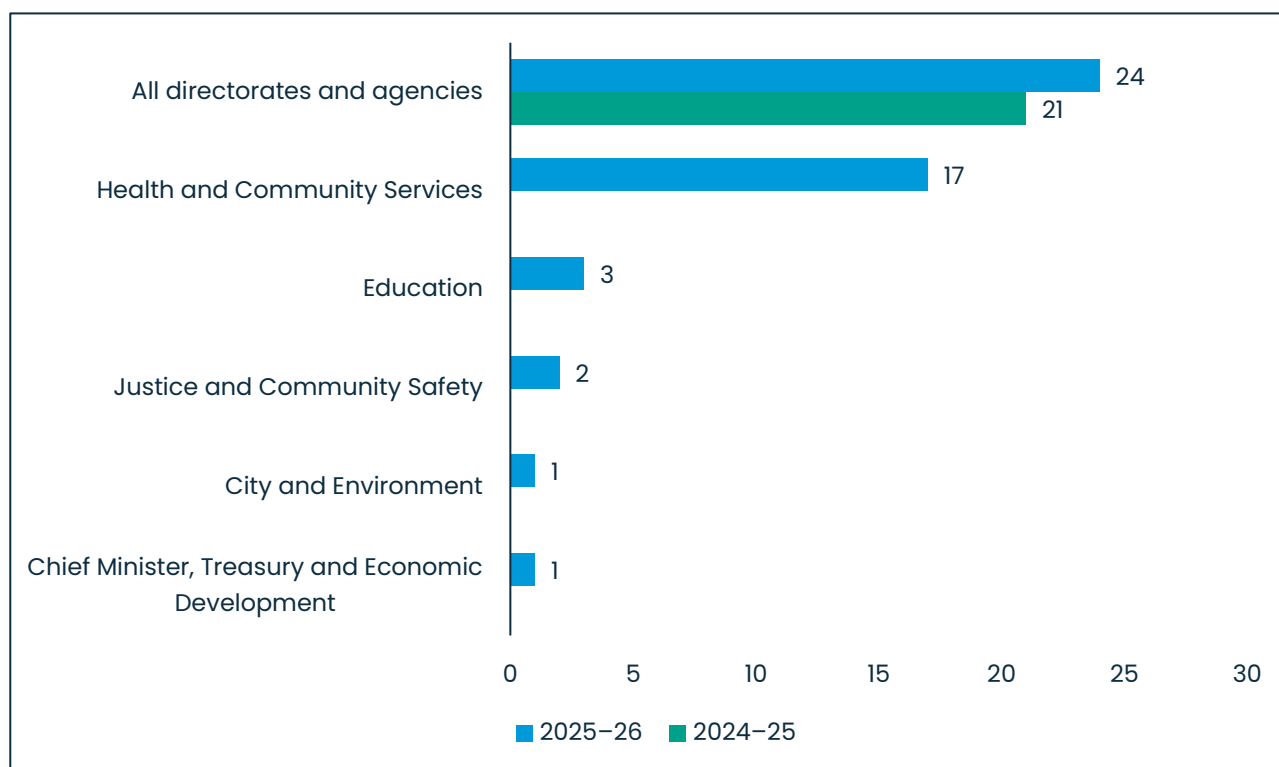
The Ombudsman has discretion to grant an extension of time to an agency to decide an access application. An extension can be granted if the Ombudsman believes it is not reasonably possible for the access application to be dealt with within the timeframe, because the application:

- involves dealing with a large volume of information
- is complex, or
- other exceptional circumstances apply.

There is no cap on the length of time the Ombudsman can grant an extension, as long as the Ombudsman considers it is reasonable, and the FOI Act allows the Ombudsman to impose conditions to the extension granted. Once granted, the Ombudsman can cancel or amend the extension if the directorate does not comply with the conditions imposed, or if the agency makes a request to the Ombudsman for the extension to be cancelled or amended.

During the reporting period, **24 applications were made to the Ombudsman for an extension of time**. The applications made by agencies in 2024–25 and 2025–26 are shown in Figure [10](#).

Figure 10: Extension of time applications to the Ombudsman²³



Of the 24 applications for an extension of time received this reporting period, the Office found **4** (16%) did not meet the requirements in the FOI Act for requesting an extension from the Ombudsman. These invalid applications were received from the Chief Minister, Treasury and Economic Development Directorate (CMTEDD), the City and Environment Directorate (CED) and the Health and Community Services Directorate (HCSD). In each of these cases, the agency was seeking additional time of less than 12 months to decide the access application and had not received refusal from the access applicant to the extension request before approaching the Ombudsman, as required by s 42(1)(a)(i) of the FOI Act.

As shown in [Figure 11](#), from the 20 valid requests, the Ombudsman granted **19** applications. The Ombudsman imposed additional conditions on **14** of these 19 applications. These conditions included requiring incremental releases of

²³ Due to machinery-of-government changes that commenced on 1 July 2025, discussed in the introduction to this report, the Office has not compared data for each directorate this reporting period to the last reporting period.

information throughout the processing period, advising of when the matter was allocated to an FOI officer and providing progress updates to the Ombudsman.

As of 30 June 2026, **one** extension of time request was yet to be finalised.

The length of additional time requested and granted varied. The extensions granted to the Education Directorate varied from 12 to 283 working days. The extensions granted to the Justice and Community Safety Directorate (JACS) varied from 7 to 25 working days. HCSD requested, and was granted, longer extensions, ranging from 58 to 197 working days.

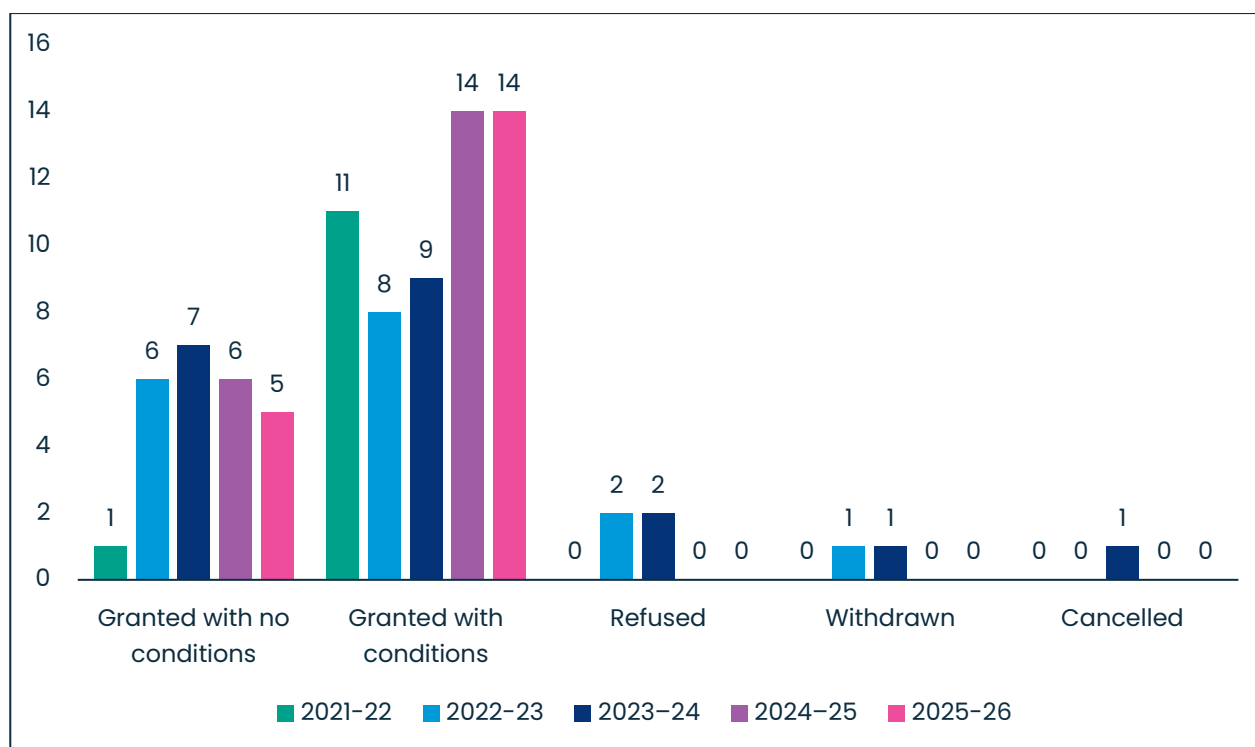
As noted in previous reports, the lengthier extensions requested by HCSD reflect the complexity and sensitivity of the access applications received by HCSD, as well as the large volume of, most often, personal information sought. The long extensions requested by HCSD are conditional upon the incremental release of information throughout the processing period, so that applicants are not waiting the full extension period to receive all of the information requested.

Agencies requested **5** amendments of extensions of time granted by the Ombudsman. **Five** amendments were granted, either by lifting or changing conditions or granting additional time.

There was a trend of agencies requesting extensions of time towards the end of the initial processing period. The average number of days from when an access application was received to when an extension of time request was made to the Ombudsman was 38 working days, with the range being between 21 and 87 working days. While this may be indicative of workloads and resourcing constraints, agencies should keep the interest of applicants in mind and engage with the application at the earliest opportunity to best inform an extension of time request.

As shown in [Figure 11](#), since 2021–22, the Office has most commonly approved agencies an extension with conditions. The Office has not refused an application for an extension of time since 2023–24, and only once in the last 5 years has the Office decided to cancel an extension of time granted to an agency.

Figure 11: Extension of time outcomes



Deemed refusal decisions

Where statutory timeframes have not been met and an extension of time has not been obtained, an agency or Minister's decision is taken (deemed) to be a refusal to give access to the government information requested.

Section 39 of the FOI Act requires agencies to notify the Ombudsman of a deemed refusal and, after the access application (including any review or appeal) is finally decided, table a copy of that notice in the Legislative Assembly. Most agencies continue to process an access application and make a formal decision in deemed refusal cases, despite the statutory timeframe having expired, which is preferable to agencies stopping and waiting for the applicant to seek review of the deemed refusal.

As shown in [Figure 12](#), during 2025–26, agencies reported **33 deemed refusal decisions**. This is less than the 42 deemed refusals reported in 2024–25 but maintains a significant increase from 2023–24, when agencies reported 10 deemed refusal decisions. The highest number of deemed refusal decisions was from Education (13 deemed refusal decisions in 2025–26, compared to 20 in 2024–25 and one in 2023–24).

In 2025–26, the Ombudsman was formally notified of **5 deemed refusal decisions** that occurred during the financial year.²⁴

Twenty-eight deemed refusal decisions²⁵ were included in the statistics reported for 2025–26 that were not formally notified to the Ombudsman within the reporting period. The low rate of notifications suggests there is room for improvement in how agencies manage this process.

While s 39 of the FOI Act does not specify when agencies must notify the Ombudsman of a deemed refusal, the Ombudsman considers it is best practice for agencies to give notice as soon as possible after a deemed refusal occurs.²⁶ The Ombudsman acknowledges that it is not always practical for an agency to notify the Ombudsman of a deemed refusal in the same financial year, for example if a deemed refusal occurs at the end of the financial year.

The ACT Ombudsman's published FOI Guidelines²⁷ provide details about these reporting requirements and draft templates to assist agencies.

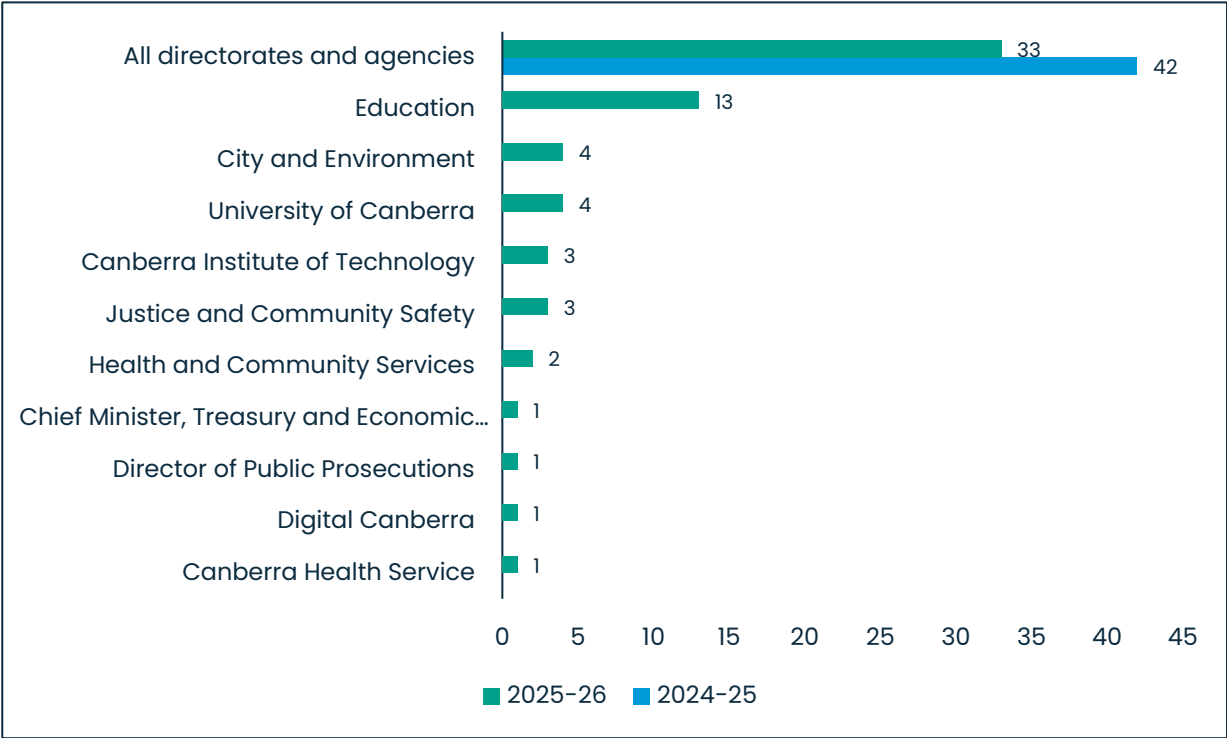
²⁴ Including 2 from the Justice and Community Safety Directorate, one from each of the Chief Minister, Treasury and Economic Development Directorate, Digital Canberra and the City and Environment Directorate.

²⁵ Including 13 by Education, 4 by the University of Canberra, 3 by each of the City and Environment Directorate and Canberra Institute of Technology, 2 by the Health and Community Services Directorate and one by each of the Director of Public Prosecutions, the Justice and Community Safety Directorate and Canberra Health Services.

²⁶ See s 151B of the Legislation Act.

²⁷ See [ACT Ombudsman Publications](#).

Figure 12: Deemed refusal decisions for directorates and agencies²⁸



Refusing to deal with access applications

Under s 43 of the FOI Act, agencies can refuse to deal with an access application in limited circumstances.

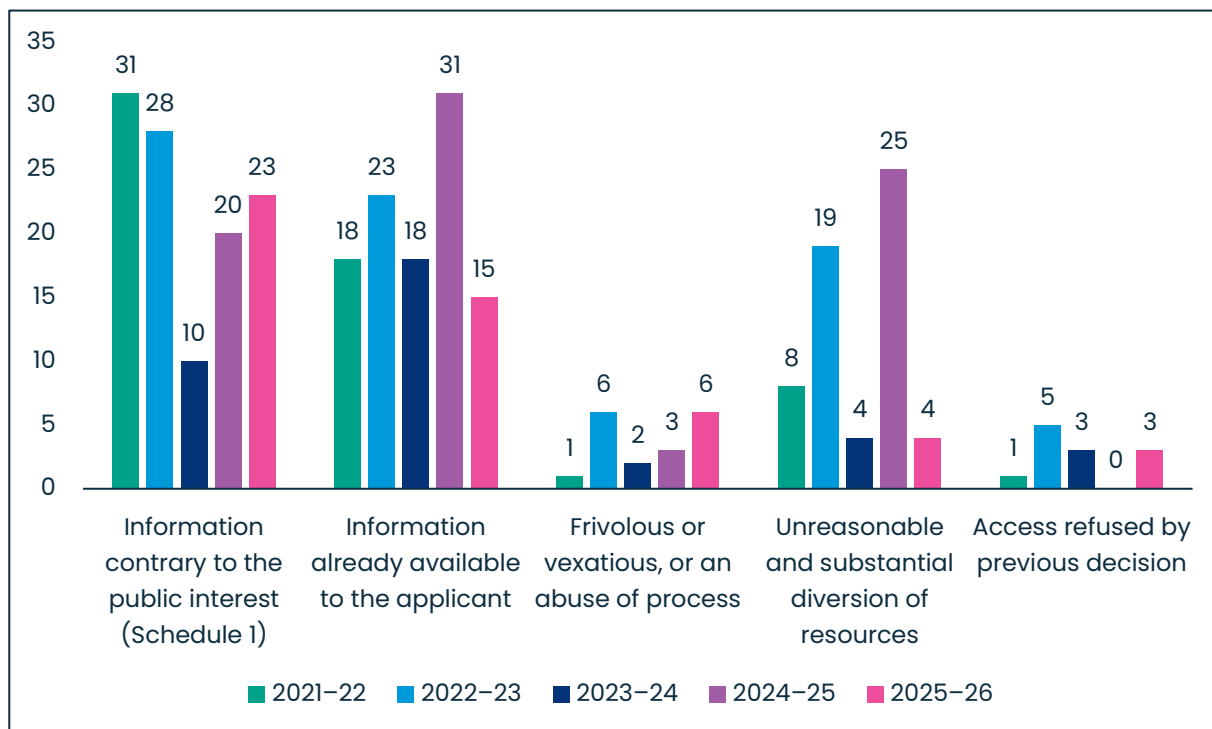
In 2025–26, 9 directorates and agencies reported they relied on this provision to refuse to deal with a total of **51** access applications (all directorates except for Canberra Health Services and Digital Canberra and 3 smaller agencies, namely the ACT Integrity Commission, Office of the Legislative Assembly and Legal Aid ACT). This is a decrease on the 9 agencies that reported they relied on s 43 to refuse **79** access applications in 2024–25. It is optional for agencies to report this data.

²⁸ Due to machinery-of-government changes that commenced on 1 July 2025, discussed in the introduction to this report, the Office has not compared data for each directorate and agency this reporting period to the last reporting period.

Figure 13 shows the reasons decision-makers decided not to deal with an access application, the most common being that the information is of a kind that is taken to be contrary to the public interest under Schedule 1 of the FOI Act (**45%**), followed by the information already being available to the applicant (**29%**).

Compared with 2024–25, there was a significant decrease in the percentage of access applications refused because dealing with the access application would require an unreasonable and substantial diversion of resources (**8%** in 2025–26 compared to 39% in 2024–25). There was also a decrease in the percentage of access applications refused because the information was already available to the applicant (**29%** in 2025–26 compared to 39% in 2024–25).

Figure 13: Reasons for refusing to deal with an access application



Fees

The objects of the FOI Act outline that access should be granted at the lowest reasonable cost to applicants. A fee may be charged when more than 50 pages of information are provided in response to an access application, except in certain circumstances—for example, where an access application for personal information about the applicant is made.

The fees that can be charged—where considered appropriate—are determined by the Attorney-General and are outlined in the Freedom of Information (Fees) Determination 2018 (ACT).²⁹

No agencies reported charging for processing an access application in 2025–26. This is consistent with 2024–25. The data is consistent with the pro-disclosure objects of the FOI Act, with cost not being an obstacle to access.

²⁹ See [FOI Fees Determination 2018](#).

Part 5. Amendment of personal information

If an individual has access to an ACT Government record or file, or other government-held information, that contains their own personal information, and they believe their information is incomplete, incorrect, out of date or misleading, they can request this information be amended.

In this reporting period, one agency reported a formal application to amend or annotate personal information under the FOI Act. Last year, there was no such formal application reported.

We understand ACT agencies generally manage such requests for amendment through other informal channels, rather than the FOI Act.

Part 6. Ombudsman reviews

The Ombudsman may conduct independent merits review of decisions on access applications made by agencies and Ministers under the FOI Act. In reviewing a decision, the Ombudsman can confirm or vary the original decision or set it aside and substitute a new decision. Ombudsman review decisions are binding and may be reviewed by the ACT Civil and Administrative Tribunal (ACAT).

Applications received

During the reporting period, the ACT Ombudsman received **71 applications** for Ombudsman review. This is a **37% increase** on the 52 Ombudsman review applications received in 2024–25. [Figure 14](#) shows the comparison of Ombudsman review applications received since 2018–19.

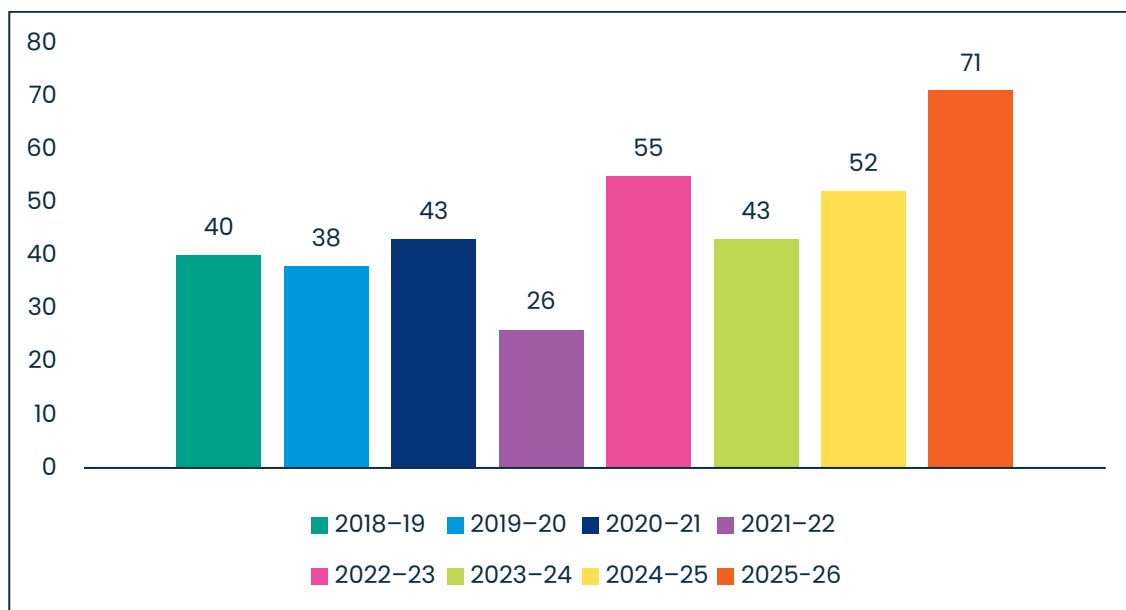
The complexity of Ombudsman reviews, and the number of multiple access applications and Ombudsman review requests made by single applicants, also continued to increase. For some applicants, FOI access applications and subsequent Ombudsman review applications may only be part of a larger, more complex issue. The increase in these types of applications for Ombudsman review may indicate a breakdown in trust between these applicants and government agencies.

We continue to see a trend of Ombudsman review applications relating to workplace grievances. These often involve sensitive personal information, including allegations of misconduct, interpersonal disputes and internal investigations. While FOI legislation provides a mechanism for individuals to access information held by government agencies, as reflected in the August 2025 report [The journey to pro-disclosure: Statutory Review of the Freedom of Information Act 2016 \(ACT\)](#), it is not always clear whether such requests are the most appropriate or effective avenue for resolving employment-related concerns.

The 71 applications for Ombudsman review represented only **6%** of the total decisions reported by agencies in 2025–26.³⁰

Agencies are encouraged to engage early with applicants, clarify scope if there is ambiguity and be conscious of clearly articulating why they have made the decision they have, with clear reference to the FOI Act. Open communication and clear decisions may assist applicants to better understand the decision that has been made.

Figure 14: Applications for Ombudsman review



Types of review applicants

As [Figure 15](#) shows, most Ombudsman review applications received in 2025–26 were made by members of the public (**62 applications** or **87%**). This included 8 members of the public who submitted multiple review applications (27 in total) and together accounted for 38% of all review applications received this reporting period.

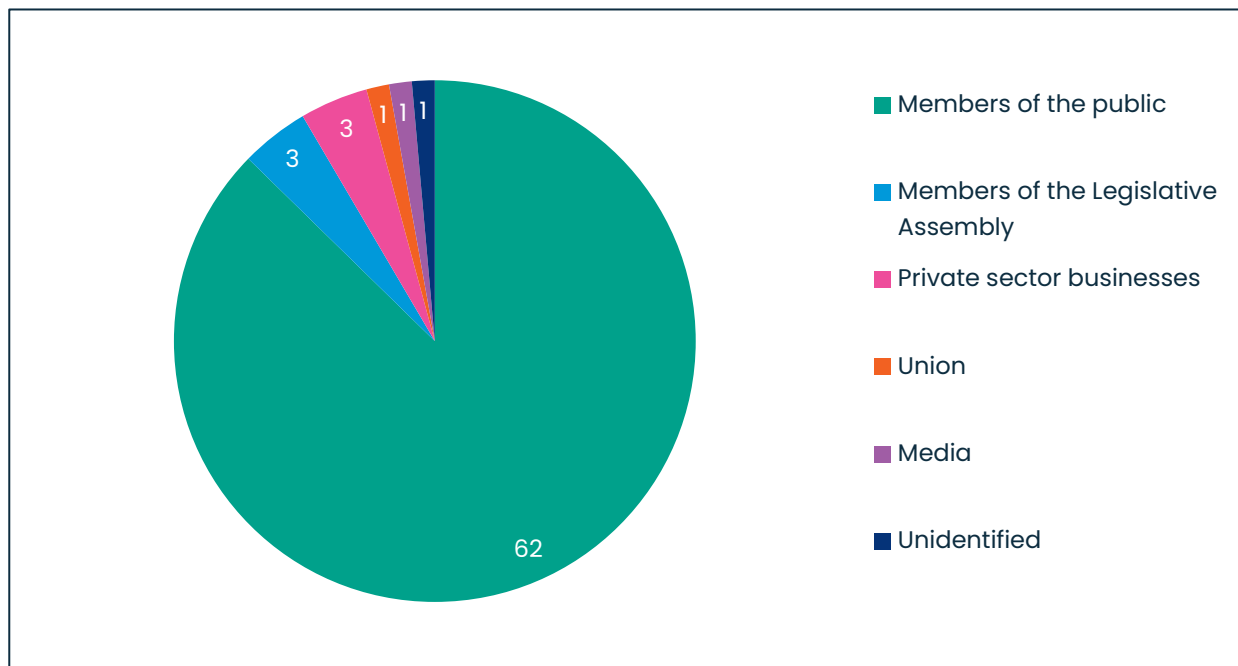
Other types of applicants to apply for review in 2025–26 were members of the Legislative Assembly (**3**), businesses (**3**), unions (**one**) and journalists (**one**). **One** review application was made by a party that has chosen not to identify itself.

³⁰ Note: some of the data used for this calculation is based on data that is optional to provide to the ACT Ombudsman.

Four review applicants, which included members of the public and businesses, chose to be assisted in their review by legal representatives.

We note there were not any ACT elections held in the reporting period, which could be the reason for the decrease in Ombudsman review applications from members of the Legislative Assembly.

Figure 15: Who applied for review



Directorate participation in reviews

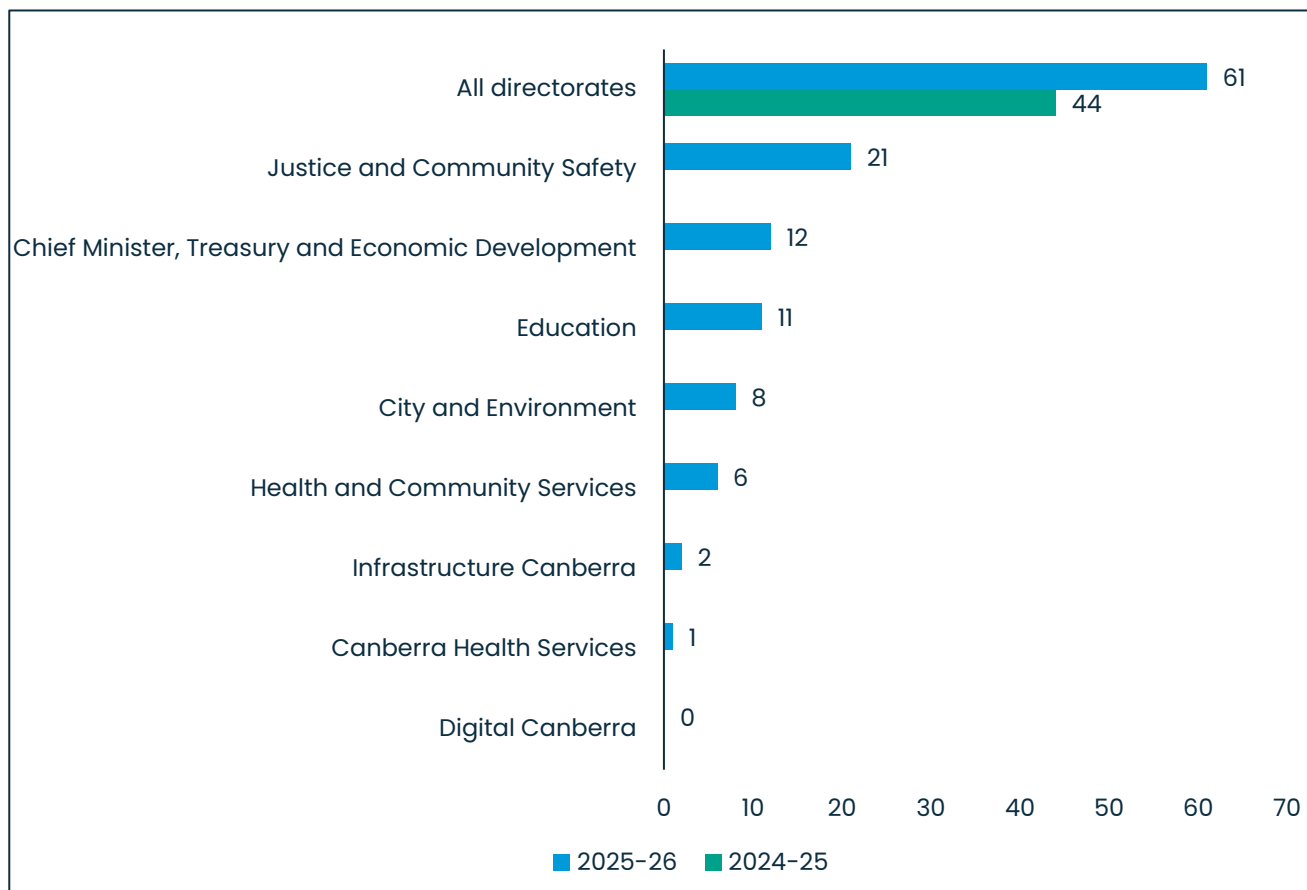
The majority of review applications received in 2025–26 related to access decisions by directorates (**61** or **86%**).

[Figure 16](#) shows the Ombudsman review applications received in 2025–26 broken down by directorate.

As shown, most review applications related to access decisions by the Justice and Community Safety Directorate (JACS) (21). The high number of reviews regarding access decisions by JACS is connected to it having the highest number of review applications by applicants that made multiple applications.

The next directorate with the most reviews was the Chief Minister, Treasury and Economic Development Directorate (12), followed by the Education Directorate (11), the City and Environment Directorate (8), the Health and Community Services Directorate (6), Infrastructure Canberra (2) and Canberra Health Services (one). No review applications were received for access decisions by Digital Canberra.

Figure 16: Ombudsman review applications by directorate³¹



³¹ Due to machinery-of-government changes that commenced on 1 July 2025, as discussed in the introduction to this report, the Office has not compared data for each directorate this reporting period to last reporting period.

Agency participation in reviews

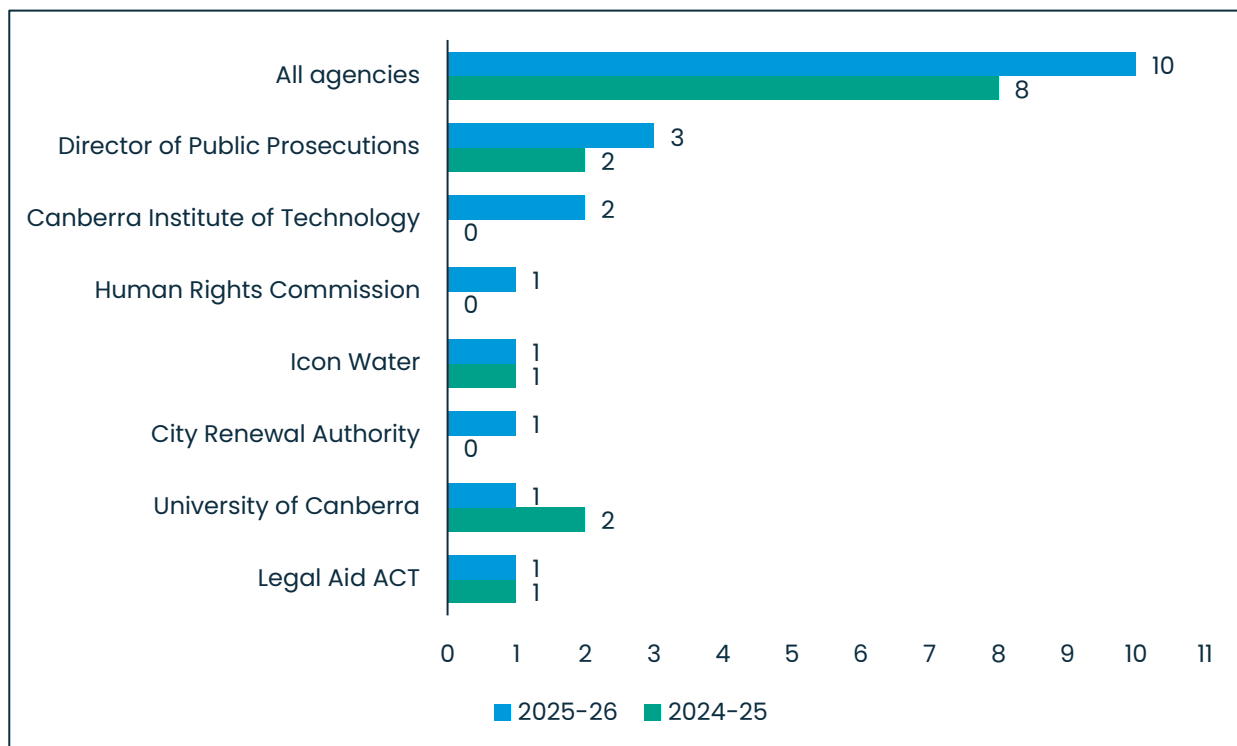
A minority of Ombudsman review applications received in 2025–26 related to access decisions by smaller agencies, which includes statutory bodies, authorities and territory-owned corporations (**10** or **14%**).

[Figure 17](#) shows the Ombudsman review applications received in 2025–26 broken down by agency.

As shown below, Ombudsman review applications were made regarding access decisions by 7 agencies in 2025–26.

The numbers of review applications remained steady for most agencies, and this year's results are consistent with the 2024–25 period, when 8 review applications were received regarding access decisions made by 7 agencies.

Figure 17: Review applications broken down by agency



Applications finalised

As shown in [Figure 18](#), during the reporting period, **48 Ombudsman reviews** were finalised. This is a 26% increase on the 38 Ombudsman reviews finalised in 2024–25. Of the 48 Ombudsman reviews finalised in 2025–26:

- **23** were resolved with a formal decision.
- **12** were withdrawn following informal resolution processes.
- **13** were closed with no review, of which:
 - **10** were closed on the grounds there was no reasonable prospect that the original decision would be varied or set aside (s 82(5)(b)).
 - **One** was closed because the ACT Ombudsman set aside the deemed refusal decision and granted the agency additional time to process the access application.
 - **One** was closed because the agency released the information.
 - **One** was closed because it was an invalid request.

These outcomes are explained below.

The number of review matters withdrawn following informal resolution processes remained consistent, with **12** matters (**25%**) withdrawn in 2025–26 compared to **10** (**26%**) in 2024–25.

The number of formal decisions also remained consistent, with **23** formal decisions made in 2025–26 (**48%**) compared to **18** made in 2024–25 (**47%**).

Closed with no review

In 2025–26, **13** Ombudsman reviews (**27%**) were closed by the Ombudsman with no review taking place. This is consistent with 10 Ombudsman reviews (26%) closed with no review in 2024–25.

Under s 82(5) of the FOI Act, the Ombudsman may decide not to review a decision if:

- the applicant has not given the ACT Ombudsman enough information to review the decision

- there is no reasonable prospect that the original decision would be varied or set aside
- the agency or Minister makes a subsequent decision on the access application or otherwise resolves the application
- the Ombudsman is satisfied the review application is frivolous or vexatious or involves an abuse of process, or
- the Ombudsman is unable to contact the review applicant despite making reasonable efforts.

Under s 78 of the FOI Act, the Ombudsman may extend the time to decide an access application if an application for review of a deemed decision has been made. The Ombudsman finalised one review by extending the time to decide the access application.

Informal resolution

Where possible, before proceeding to a formal decision, we seek to resolve matters through informal resolution.

This involves clarifying and, in some cases, refining the scope of an application for review, and working with both parties to resolve the dispute. For example, if the applicant is focused on one particular document, the ACT Ombudsman may ask the agency for its view on the release of that document, rather than review the whole matter. Informal resolution assists the ACT Ombudsman to provide a satisfactory outcome for review applicants in a timely manner.

Where a matter is assessed as unlikely to result in a change of outcome, the ACT Ombudsman uses case officer assessments to attempt to resolve the matter before progressing to a decision. Parties are given information on the likely outcomes of the review and options for resolution. This approach reduces the overall timeframe for our reviews and saves the applicant additional legal fees where they have a legal representative.

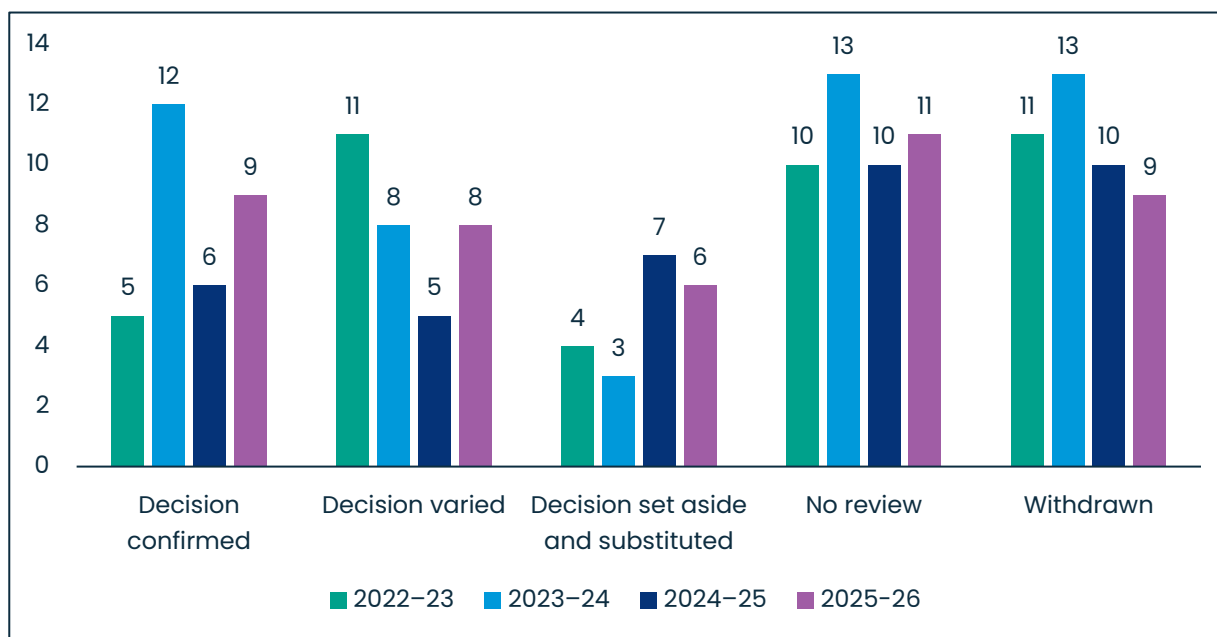
Formal decision outcomes

From the commencement of the FOI Act on 1 January 2018 to 30 June 2026, a total of **167 Ombudsman review decisions** have been published.³² In 2025–26, **23** Ombudsman review decisions were published. These decisions provide agencies and applicants with guidance on the FOI Act, including the application of the public interest test.

[Figure 18](#) shows of the 23 Ombudsman reviews finalised with a formal decision in 2025–26, the Ombudsman:

- confirmed the agency's decision in **9 Ombudsman reviews**
- varied³³ the original decision in **8 Ombudsman reviews**
- set the original decision aside and substituted³⁴ a new decision in **6 Ombudsman reviews**.

Figure 18: Review applications finalised by outcome



³² See [FOI Review decisions](#).

³³ That is, upheld the decision of the original decision-maker with some amendments made (for example, with some additional information to be disclosed).

³⁴ That is, changed the original decision and found, for example, that the information sought is not contrary to the public interest information.

In conducting Ombudsman reviews, the Ombudsman has the benefit of the passage of time. This allows the Ombudsman to consider new information or changes in circumstances that have occurred since the original decision was made. Further, the Ombudsman may be able to make a decision that was not open to the original decision-maker. For example, it may be the case that, by the time the Ombudsman finalises a review, a relevant investigation may no longer be ongoing, and disclosure of relevant information would no longer prejudice that investigation.

Review timeframes

The FOI Act requires Ombudsman reviews be completed within 30 working days. Up to 30 additional working days are allowed to undertake informal resolution or if a matter is referred by the Ombudsman for mediation.

The ACT Ombudsman also has internal service standards for Ombudsman review applications.³⁵ Our ability to meet service standards can vary depending on the number of cases finalised through informal resolution processes, the number of enquiries and extension of time requests received, other projects, resourcing pressures and the complexity of matters.

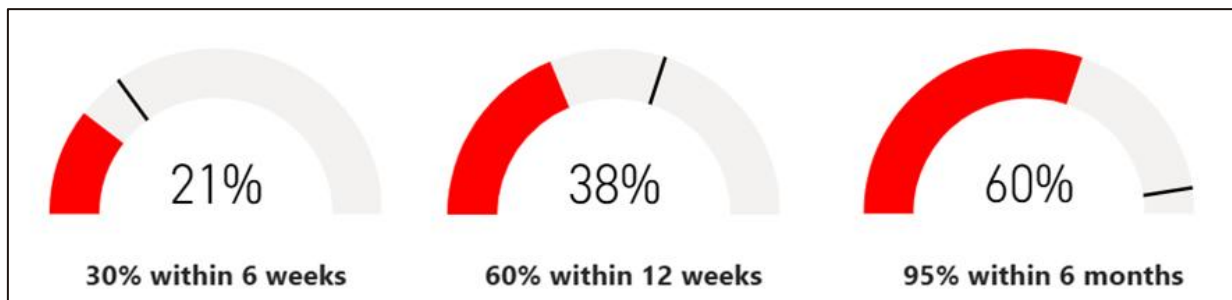
In 2025–26, as shown at [Figure 19](#), we did not meet these internal service standards. Of the 48 Ombudsman reviews finalised:

- **21%** were finalised within 6 weeks (target 30%)
- **38%** were finalised within 12 weeks (target 60%)
- **60%** were finalised within 6 months (target 95%).

We have seen an improvement in meeting one of our 3 service standards in 2025–26 compared to 2024–25, finalising 60% of FOI review matters within 6 months (compared to 55% in 2024–25). This slight improvement is notable, given the significant increase in review applications.

³⁵ See [FOI Complaints and Reviews](#).

Figure 19: Performance against FOI service standards in 2025–26



We have seen a decrease in meeting our other 2 service standards in 2025–26 compared to 2024–25, finalising 21% of FOI review matters within 6 weeks (compared to 29% in 2024–25) and finalising 38% of matters within 12 weeks (compared to 47% in 2024–25). This reflects the complexity of some review matters that were considered in this reporting period. Complex matters require additional time and actions to be taken in completing the review, including multiple requests to parties for more information, the review of sensitive material, third party involvement, the information at issue being voluminous, or the additional work required to assist parties to resolve matters informally.

Where a formal decision is required, routine matters are expected to take 12 weeks to finalise, with complex matters taking longer. Several complex matters were finalised in this reporting period. As part of the review process, we also provide parties with the opportunity to respond to our preliminary view before the review decision is finalised. We have observed an increase in the number of third parties participating in reviews. Further, several complex reviews were finalised in this reporting period where the information at issue concerned private sector business information and employment-related matters requiring substantial analysis.

Ombudsman review requests received during the reporting period required the Ombudsman to consider a range of issues, including the right to privacy under the Human Rights Act, trade secrets and business affairs, industrial relations and the management function of agencies, and information subject to legal professional privilege. Further, the ACT Ombudsman managed several Ombudsman reviews involving a large volume of documents, with novel and complex issues concerning multiple parties.

In 2026–27, we will continue to review our performance against internal service standards, with a view to reducing the time taken to complete Ombudsman reviews.

Case study

ACT Ombudsman releases emails of an administrative nature and emails sent or received by the access applicant

The ACT Ombudsman received an application for Ombudsman review from Ms C*, an employee of the Health and Community Services Directorate (HCSD), who had applied for information under the *Freedom of Information Act 2016* (FOI Act) about the handling of complaints regarding a recruitment process for a senior position within the directorate.

Ms C applied for Ombudsman review of HCSD's decision to refuse access in full to 35 documents assessed as contrary to the public interest information. This information related to a preliminary assessment of the complaints, such as:

- email correspondence
- a draft report and final report
- interview transcripts
- other supporting documents, for example conflict of interest assessments, candidate resumés and candidate evaluations by the recruitment panel.

HCSD considered these 35 documents contained information that, variously, may prejudice people's right to privacy, the business affairs of an external company that conducted the preliminary assessment, HCSD's ability to obtain confidential information or HCSD's management functions.

On review, we found that most of the information sought was contrary to the public interest information but decided to vary HCSD's decision under s 82(2)(b) of the FOI Act in respect of documents Ms C already had copies of or that were administrative in nature.

In applying the public interest balancing test, while accepting that the release of the documents would increase public confidence in the integrity of the recruitment process, we found the public interest factors favouring non-disclosure outweighed the public interest factors favouring disclosure, due to the sensitivity of the

information at issue and the likely detriment to the individuals involved, HCSD and the external company that conducted the preliminary assessment.

However, we decided to release information from the preliminary assessment drafting process which would only reveal correspondence Ms C previously sent or received, an extract of legislation and administrative correspondence for the purpose of filing and circulating information (excluding third party personal information). We did not accept that disclosure of this information could reasonably be expected to impede HCSD from carrying out its management functions or obtaining confidential information, or prejudice the business affairs of the external company that conducted the preliminary assessment.

**Name has been changed.*

Appeals to ACAT

Under s 84 of the FOI Act, participants in an Ombudsman review may apply to ACAT for a review of the decision. Since the FOI Act commenced operation on 1 January 2018, no applications to ACAT for a review of an Ombudsman decision have been made.

Part 7. Complaints

The Ombudsman can investigate complaints about an agency's or Minister's functions under the FOI Act.

During this reporting period, the ACT Ombudsman received **9** complaints about an agency's functions under the FOI Act, up from the 4 complaints received in 2024–25. Additionally, the ACT Ombudsman received **35** enquiries about the FOI scheme and the Ombudsman's role, down from 39 enquiries in 2024–25.

The complaints received were broadly about agencies' actions performed under the FOI Act, including the time taken to process access applications, quality of communication and advice provided to applicants, compliance with third party consultation processes and administration of disclosure logs. Many of these complainants also requested merits review of an access decision.

Three complaints were finalised in 2025–26, including one complaint received in 2024–25.

Broadly, our observations of these complaints is that directorates should:

- review practices and procedures to identify earlier whether an extension of time is required or whether processing an application would be an unreasonable and substantive diversion of resources
- seek an extension of time promptly from the applicant and/or the Ombudsman, if considered one necessary
- make a genuine effort to proactively communicate with applicants and to keep them updated, especially where a decision may not be made within statutory timeframes
- promptly provide the Ombudsman with access to relevant information
- promptly refer matters, as appropriate, to other agencies (for example, the ACT Human Rights Commission).

At the end of 2025–26, **7** complaints remained open.

Glossary

Acronym	Agency
AAO	ACT Audit Office
ACAT	ACT Civil and Administrative Tribunal
ACTIC	ACT Integrity Commission
ACTO	ACT Ombudsman
CHS	Canberra Health Services
CIT	Canberra Institute of Technology
CMTEDD	Chief Minister, Treasury and Economic Development Directorate
CRA	City Renewal Authority
CED	City and Environment Directorate
DCBR	Digital Canberra
DPP	ACT Director of Public Prosecutions
EC	Elections ACT
Education	ACT Education Directorate
HCSD	Health and Community Services Directorate
HRC	ACT Human Rights Commission
iCBR	Infrastructure Canberra
ICRC	Independent Competition and Regulatory Commission
ICS	Inspector of Custodial Services
IW	Icon Water
JACS	Justice and Community Safety Directorate